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Volume 39 (2009)

Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 39

Number 26

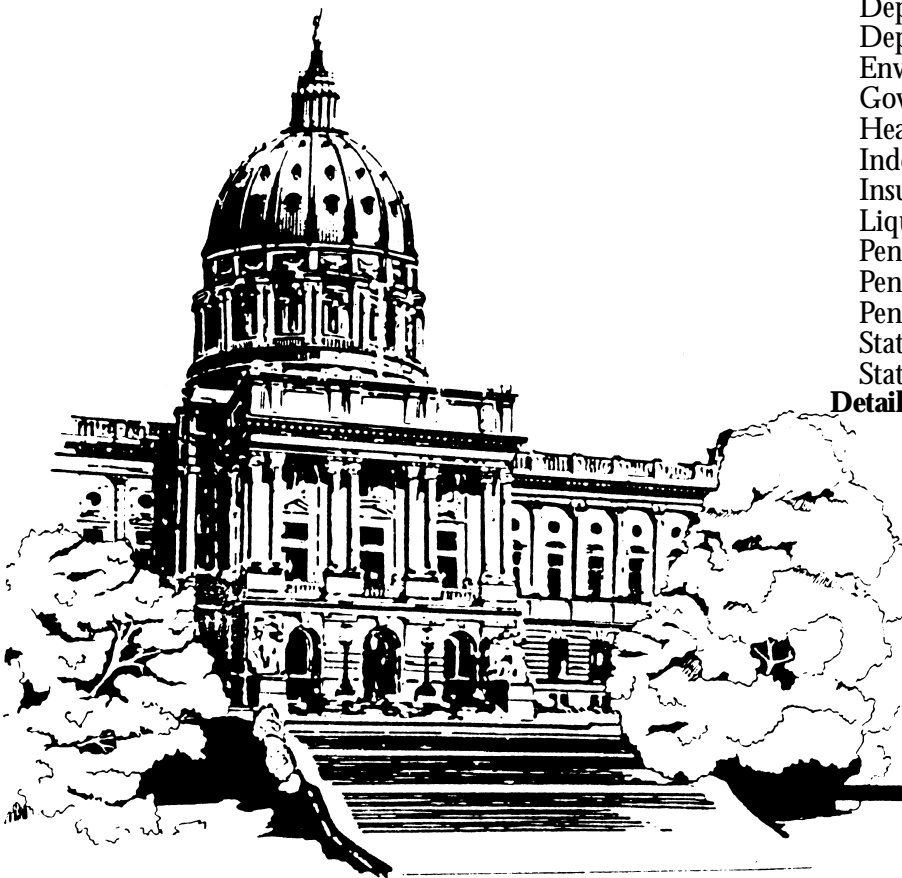
Saturday, June 27, 2009 • Harrisburg, PA

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State Tax Equalization Board

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**No. 415, June 2009**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

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| 4 .....               | 1850          |
| 16 (correction) ..... | 9, 1854, 1981 |

**246 Pa. Code (Minor Court Civil Rules)****Proposed Rules**

|           |      |
|-----------|------|
| 100 ..... | 1856 |
|-----------|------|

**249 Pa. Code (Philadelphia Rules)**

|                    |                                       |
|--------------------|---------------------------------------|
| Unclassified ..... | 189, 192, 830, 1199, 2327, 2571, 2929 |
|--------------------|---------------------------------------|

**252 Pa. Code (Allegheny County Rules)**

|                    |     |
|--------------------|-----|
| Unclassified ..... | 994 |
|--------------------|-----|

**255 Pa. Code (Local Court Rules)**

|                  |   |
|------------------|---|
| Unclassified ... | 10, 16, 306, 306, 513, 514, 517, 520, 679, 680, 832, 833, 835, 994, 995, 1107, 1199, 1200, 1386, 1478, 1522, 1523, 1524, 1525, 1526, 1527, 1621, 1857, 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699, 2703, 2705, 2929, 2946, 3040, 3041, 3165 |
|------------------|---|

# GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### Recent Actions during the 2009 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2009 Regular Session.

| <i>Doc. No.</i>   | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i>   |
|---|-----------------------|--------------------|-------------------------|-----------------------|---|
| <b>2009 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 001 through 004</b> |                       |                    |                         |                       |   |
| 001   | Jun 10                | HB0084             | PN1955                  | 60 days*              | Preventable Serious Adverse Events Act—enactment  |
| 002   | Jun 10                | HB1089             | PN1573                  | 30 days               | Insurance Company Law of 1921—health and accident insurance group health policies to continue for period of time after termination of employment or membership in health maintenance organizations              |
| 003   | Jun 10                | SB0089             | PN1006                  | Immediately*          | Health Care Cost Containment Act—reenactment, Health Care Cost Containment Council Act Review Committee establishment, council powers and duties, data submission and collection and for access to council data |
| 004   | Jun 10                | SB0189             | PN0746                  | 90 days               | Insurance Company Law of 1921—health insurance coverage for certain children of insured parents, conditions subject to which policies are to be issued  |

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

#### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 09-1138. Filed for public inspection June 26, 2009, 9:00 a.m.]

# COURTS

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

**In Re: Register of Wills Office and Clerk of Orphans' Court Schedule of Fees and Charges; Orphans' Court Division; No. 09-9178**

#### Order

*And Now*, this 11th day of May, 2009, upon consideration of the within Petition for Increase of the Fee Schedule by the Carbon County Register of Wills and Clerk of the Orphans' Court, Judy F. Moon, and in accordance with Act 69 of December 3, 1993 (42 P. S. § 21022.1), relating to the fees and charges of the Register of Wills office and Act 18 of April 24, 1994 (42 P. S. § 21032.1), relating to the fees and charges of the Clerk of the Orphans' Court, it is hereby

*Ordered and Decreed* that the Fee Schedule for the Carbon County Register of Wills and Clerk of the Orphans' Court is hereby amended effective July 1, 2009.

It is further *Ordered and Decreed* that in order to bring the offices of the Register of Wills and Clerk of the Orphans' Court into line with the automation/modernization efforts of the other court-related offices, the Court, at the request of the Register of Wills and Clerk of the Orphans' Court, hereby imposes a \$5 automation fee to be charged on all initial filings of any action or legal proceeding plus on all marriage license applications. (The automation fee collected shall be deposited into a special fund established by the County Treasurer with the monies therein to be used by the Register of Wills and Clerk of the Orphans' Court, with the approval of the President Judge, solely for the purposes of computerization and document reproduction in the offices of the Register of Wills and the Clerk of the Orphans' Court. All expenditures made with monies from this automation fund must follow normal procurement procedures as established by the County.)

It is further *Ordered and Decreed* that the Fee Schedule for the Register of Wills and for the Orphans' Court of Carbon County, a true and correct copy of which is attached to this order and which has been approved by the Register of Wills and Clerk of the Orphans' Court, is approved and adopted effective July 1, 2009.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

**Carbon County**  
**Register of Wills and Clerk of Orphans' Court**  
**Orphans' Court Fee Schedule**  
**Effective July 1, 2009**

#### ACCOUNTS

FILING, RECORDING, AND SETTING UP PRINTED COPIES OF ADVERTISEMENT OF ACCOUNTS OF TRUSTEES AND GUARDIANS, INCLUDING CERTIFICATE OF THE CLERK IN ESTATES AS FOLLOWS:

#### ACCOUNTS FOR AUDIT AND CONFIRMATION: (FORMAL ACCOUNTING)

ACCOUNT AND SCHEDULE OF PROPOSED  
DISTRIBUTION

\$85.00 FIRST PAGE  
EACH ADDITIONAL PAGE  
(NOT COUNTING  
\$3.00 EXHIBITS)

EACH EXHIBIT (THIS IS A CHARGE PER  
DOCUMENT, THE ORIGINAL OF WHICH IS NOT  
ALREADY FILED OF RECORD)

\$2.00

OBJECTIONS TO ACCOUNT  
ESCROW FOR AUDITOR FEES  
(ONLY WHEN OBJECTIONS FILED)

\$50.00

\$350.00 (SEPARATE CHECK)

#### ACCOUNTS FOR FILING

\$30.00 FIRST PAGE  
\$3.00 EACH ADDITIONAL PAGE

ADDITIONAL A/K/A AFTER FILE OPENED  
(WITH NEW GRANT OF LETTERS)

\$20.00

#### ADJUDICATIONS\*

ADJUDICATION AND DECREE

\$20.00

#### ADOPTIONS/TERMINATIONS

TOTAL FEE—\$60.00  
\*IF NO  
TERMINATION—ADD \$15.00  
DP PLUS \$3.00/PAGE FOR  
CONSENT

ADOPTION PETITION

\$45.00

|   |         |  |
|---|---------|--|
| PLUS THE JCP FEE  | \$10.00 |  |
| PLUS AUTOMATION FEE   | \$5.00  |  |
| ADOPTION CERTIFICATE  | 5.00    |  |
| PETITION AND PROPOSED ORDER,<br>RE: INVOLUNTARY TERMINATION   | \$25.00 |  |
| PLUS DATA PROC FEE  | \$15.00 |  |
| PLUS AUTOMATION FEE   | \$5.00  | TOTAL FEE \$45.00  |
| PETITION AND PROPOSED ORDER,<br>RE: VOLUNTARY RELINQUISHMENT  | \$25.00 |  |
| PLUS DATA PROC FEE  | \$15.00 |  |
| PLUS AUTOMATION FEE   | \$5.00  | TOTAL FEE \$45.00  |
| PETITION AND PROPOSED ORDER,<br>RE: CONFIRMATION OF CONSENT TO ADOPTION   | \$25.00 |  |
| PLUS DATA PROC FEE  | \$15.00 |  |
| PLUS AUTOMATION FEE   | \$5.00  | TOTAL FEE \$45.00  |
| REPORT OF INTENT TO ADOPT   | \$5.00  | PER PAGE   |
|   |         | (SEPARATE CHECK) (NOT<br>CHARGED ON SPECIAL<br>NEEDS CHILDREN) |
| COUNSELING FUND FEE, 23 PA.C.S.A. § 2505(e)   | \$75.00 |  |
| REPORT OF INTERMEDIARY  | \$5.00  | PER PAGE   |
| FOREIGN ADOPTIONS   |         | TOTAL FEE \$55.00  |
| PETITION TO REGISTER FOREIGN ADOPTION   | \$25.00 |  |
| PLUS THE JCP FEE  | \$10.00 |  |
| PLUS DATA PROC FEE  | \$15.00 |  |
| PLUS AUTOMATION FEE   | \$5.00  |  |
| FINAL DECREE OF ADOPTION IF FOREIGN<br>ADOPTION DETERMINED TO BE A FULL AND FINAL<br>ADOPTION   | \$20.00 |  |
| READoption IF FOREIGN ADOPTION DETERMINED<br>NOT TO BE A FULL AND FINAL ADOPTION, SAME AS<br>ADOPTION PETITION  |         |  |
| AFFIDAVITS  | \$5.00  |  |
| ALL OTHER EXTRA PAGES   | \$3.00  | PER PAGE   |
| ALLOWANCES FOR MINORS OR INCAPACITATED,<br>PETITION AND ORDER   |         |  |
| FIRST PAGE  | \$25.00 | TOTAL FEE \$45.00  |
| PLUS AUTOMATION FEE   | \$5.00  |  |
| PLUS DATA PROC. FEE   | \$15.00 |  |
| AMENDED PETITION  | \$10.00 |  |
| APPEAL TO SUPERIOR OR SUPREME COURT (COUNTY<br>FEE) (AN ADDITIONAL CHECK PAYABLE TO THE<br>SUPERIOR OR SUPREME COURT MUST ALSO<br>ACCOMPANY THE APPEAL) | \$55.00 |  |
| AUTOMATION FEE ( ON ALL FIRST FILINGS OF ANY<br>ACTION OR LEGAL PROCEEDING)   | \$5.00  |  |
| BIRTH CERTIFICATE (CERTIFIED COPY)  | \$7.00  |  |
| BOND (PERSONAL OR SECURED)  | \$15.00 |  |
| CERTIFIED COPY OF ANY DOCUMENT NOT OTHERWISE<br>SPECIFICALLY LISTED   |         |  |
| FIRST PAGE  | \$10.00 |  |
| EACH ADDITIONAL PAGE  | \$1.00  |  |
| CLAIM   |         |  |
| FILING AND INDEXING   | \$10.00 |  |
| SATISFYING CLAIM IN DOCKET  | \$5.00  |  |
| CONTINUANCE   | \$15.00 |  |
| COPIES  |         |  |
| PHOTOCOPIES   | \$0.25  | PER PAGE   |
| DOCKET PAGES  | \$0.25  | PER PAGE   |
| EXEMPLIFIED   | \$40.00 |  |
|   | ACTUAL  |  |
| MICROFILM   | COST    | ESTIMATE (\$0.75)  |

|   |                |   |
|---|----------------|---|
| TELEFAX   | ACTUAL         |   |
|   | COST           | PER PAGE  |
| DATA PROCESSING FEE, IF APPLICABLE  | \$15.00        |   |
| DEATH CERTIFICATION   | \$7.00         |   |
| DISCLAIMER  | \$7.00         |   |
| EXEMPLIFIED COPY OF DOCUMENT<br>(FILING FROM ANOTHER COUNTY)  | \$40.00        |   |
| PLUS DATA PROC FEE  | \$15.00        |   |
| PLUS AUTOMATION FEE   | \$5.00         | TOTAL FEE FOR<br>EXEMPLIFICATION—\$60.00  |
| EXCEPTIONS TO ADJUDICATION  | \$10.00        |   |
| FAMILY SETTLEMENT: (INFORMAL ACCOUNTING)  |                |   |
| AGREEMENT AND ACCOUNT   | \$40.00        | FIRST PAGE  |
| EACH ADDITIONAL PAGE  | \$3.00         |   |
| RECEIPT, RELEASE AND REFUNDING AGREEMENT<br>(PER NAME)  | \$5.00         |   |
| GENEALOGICAL RESEARCH   | \$12.50        | PER HALF HOUR   |
|   | \$20.00        | PER HOUR  |
| GENEALOGICAL COPIES   | \$0.25         | PER PAGE FROM<br>ORIGINALS  |
|   |                | PER PAGE FROM<br>MICROFILM (ESTIMATE<br>\$0.75) (REQUIRES SSAE OR<br>POSTAGE COSTS) |
|   | ACTUAL<br>COST | TOTAL GUARDIANSHIP OR<br>INCAPACITATION FEE =<br>\$50.00                            |
| GUARDIANSHIPS   |                |   |
| MINORS  | \$20.00        |   |
| PLUS DATA PROC  | \$15.00        |   |
| PLUS JCP FEE  | \$10.00        |   |
| PLUS AUTOMATION FEE   | \$5.00         |   |
| INCAPACITATION  | \$20.00        |   |
| PLUS DATA PROC  | \$15.00        |   |
| PLUS JCP FEE  | \$10.00        |   |
| PLUS AUTOMATION FEE   | \$5.00         |   |
| GUARDIANSHIP CERTIFICATION  | \$5.00         |   |
| GUARDIANSHIP—PROOF OF DEPOSIT   | \$10.00        |   |
| INVENTORIES (INCLUDES TRUSTEE INVENTORIES<br>AND GUARDIAN PERIODIC STATUS REPORTS FOR<br>MINOR'S/INCAPACITATED'S ESTATES)                         | \$10.00        |   |
| JUDICIAL COMPUTER PROJECT (JCP) FEE<br>(STATE FEE), ASSESSED ON EACH FIRST FILING   | \$10.00        |   |
| MARRIAGE LICENSES   | \$45.00        | TOTAL = \$50.00   |
| PLUS AUTOMATION FEE   | \$5.00         | CASH OR MONEY ORDER<br>(NO CHECKS)  |
| FORM PETITIONS AND ORDERS IN CONNECTION<br>WITH MARRIAGE LICENSE APPLICATIONS, E.G.,<br>WAIVER, APPOINTMENTS OF GUARDIANS FOR<br>MINOR APPLICANTS | \$5.00         |   |
| MARRIAGE CERTIFICATION  | \$5.00         |   |
| NON-RESIDENT AFFIDAVIT FOR MARRIAGE<br>LICENSE  | \$10.00        |   |
| MISCELLANEOUS FILINGS   | \$5.00         | FIRST PAGE  |
|   | \$3.00         | EACH ADDITIONAL PAGE  |
| MINOR'S COMP  | \$40.00        | TOTAL MINOR'S COMP  |
| PLUS DATA PROC  | \$15.00        | = \$70.00   |
| PLUS JCP FEE  | \$10.00        |   |
| PLUS AUTOMATION FEE   | \$5.00         |   |
| COPY OF MINOR'S COMPROMISE ORDER (WHEN<br>ACTION INITIATED IN CIVIL DIVISION) AND<br>MINOR'S AFFIDAVIT/CERTIFICATION OF DEPOSIT                   | \$10.00        |   |

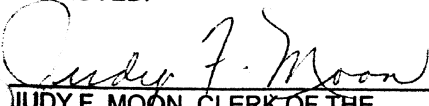
|   |  |
|---|--|
| PETITIONS/MOTIONS (OF WHATEVER NATURE, IF NOT OTHERWISE SPECIFICALLY LISTED): CITATION (RULE), PRELIMINARY ORDER AWARDING CITATION AND FIRST PAGE OF PETITION | FOR PETITIONS/MOTIONS WHICH INITIATE PROCEEDING, ADD DATA PROC., JCP AND AUTOMATION FEES |
| EACH ADDITIONAL PAGE, NOT COUNTING EXHIBITS OR AFFIDAVITS   | \$15.00  |
| EACH EXHIBIT (THIS IS A CHARGE PER DOCUMENT, THE ORIGINAL OF WHICH IS NOT ALREADY FILED OF RECORD)  | \$3.00   |
| ANSWERS, RESPONSES, PRELIMINARY OBJECTIONS AND ALL OTHER FILINGS AFTER THE FIRST FILING INITIATING THE PROCEEDING   | \$2.00   |
| BRIEFS  | \$3.00 PER PAGE  |
| OBJECTIONS  | \$10.00  |
| ESCROW FOR AUDITOR'S FEE  | \$50.00  |
| POWER OF ATTORNEY PLUS DATA PROC PLUS AUTOMATION FEE  | \$350.00 (SEPARATE CHECK)  |
| PRAECIPE (OF WITHDRAWAL OR APPEARANCE)  | \$20.00 TOTAL POA FEE = \$40.00  |
| RELEASES, RECEIPTS AND SATISFACTION OF AWARDS   | \$15.00  |
| RETURNED CHECK FEE  | \$5.00   |
| RELINQUISHMENT  | \$10.00  |
| STIPULATION   | \$5.00   |
| SUBPOENAS   | \$10.00  |

NOTE: Pursuant to 42 Pa.C.S.A. § 3502 (a) the Supreme Court authorized the Court Administrator of Pennsylvania to promulgate financial regulations to implement 42 Pa.C.S.A. § 3733 (regarding funding of the Unified Judicial System's Statewide Automation Project). The regulations so promulgated impose a statutory fee of \$10.00 on "first filings in petitions concerning adoptions, incapacitated persons, and estates, minor's estates and inter vivos trusts." If not already included, the \$10.00 fee is in addition to the above-listed filing fees.

For filings in cases not specifically enumerated, the fee imposed shall be charged on the same basis as that for a substantially similar specified filing.

\*PAYMENT OF ALL FEES EXCEPT THOSE LISTED FOR ADJUDICATIONS MUST BE MADE AT THE TIME OF FILING.

APPROVED:

  
 JUDY F. MOON, CLERK OF THE  
 CARBON COUNTY ORPHANS' COURT

DATED: May 11, 2009

|   |  |
|---|--|
| LETTERS OF ADMINISTRATION OR TESTAMENTARY | PLUS DATA PROC., JCP AND AUTOMATION FEES |
| ESTATE NOT EXCEEDING                      |  |
| 1,000.00                                  | \$40.00                                  |
| 5,000                                     | \$55.00                                  |
| 10,000                                    | \$65.00                                  |
| 20,000                                    | \$75.00                                  |
| 30,000                                    | \$85.00                                  |
| 40,000                                    | \$95.00                                  |
| 50,000                                    | \$105.00                                 |
| 75,000                                    | \$115.00                                 |
| 100,000                                   | \$125.00                                 |
| EACH ADDITIONAL \$100,000.00 OR FRACTION  | \$50.00                                  |

NOTE: PROBATE FEES ARE BASED ON THE GROSS VALUE OF THE ESTATE, MINUS JOINTLY HELD ASSETS AND TRANSFERS. NO LETTERS WILL BE ISSUED UNTIL FEES ARE PAID IN FULL.

NOTE ALSO: AN ADDITIONAL PROBATE FEE MAY  
BE ASSESSED ONCE THE APPRAISEMENT IS  
RECEIVED FROM THE DEPARTMENT OF REVENUE.  
A STATEMENT WILL BE MAILED.

MISCELLANEOUS LETTERS (NO ADDITIONAL ASSETS;  
FOR ADDITIONAL ASSETS FOLLOW FEE SCHEDULE  
ABOVE

|   |                |                      |
|---|----------------|----------------------|
| DBNCTA, DBN, PENDENTE LITE, DURANTE<br>MINORITATE, DURANTE ABSENTIA   | \$40.00        |                      |
| LETTERS FOR PURPOSES OF SUIT ONLY   | \$40.00        | TOTAL FEE = \$70.00  |
| PLUS DATA PROC.   | \$15.00        |                      |
| PLUS JCP FEE  | \$10.00        |                      |
| PLUS AUTOMATION FEE   | \$5.00         |                      |
| AFFIDAVIT   | \$5.00         |                      |
| AUTOMATION FEE (ON ALL FIRST FILINGS OF ANY<br>ACTION OR LEGAL PROCEEDING)  | \$5.00         |                      |
| ALIAS   | \$5.00         |                      |
| ALL OTHER EXTRA PAGES   | \$3.00         | PER PAGE             |
| AMENDED PETITION  | \$10.00        |                      |
| APPEAL  |                |                      |
| REGISTER OF WILLS OFFICE (FROM PROBATE OF<br>WILL)  | \$50.00        |                      |
| REGISTER OF WILLS OFFICE (FROM REGISTER'S<br>DECISION)  | \$50.00        |                      |
| ESCROW FOR AUDITOR FEES<br>TO SUPERIOR OR SUPREME COURT (COUNTY FEE)<br>(AN ADDITIONAL CHECK PAYABLE TO THE<br>SUPREME OR SUPERIOR COURT MUST ALSO<br>ACCOMPANY THE APPEAL) | \$350.00       | (SEPARATE CHECK)     |
| BOND (PERSONAL OR SECURED)  | \$15.00        |                      |
| CAVEAT  | \$15.00        | TOTAL = \$35.00      |
| PLUS BOND FEE   | \$15.00        |                      |
| PLUS AUTOMATION FEE   | \$5.00         |                      |
| ANSWER TO CAVEAT  | \$15.00        |                      |
| CERTIFIED COPY OF WILL OR OTHER DOCUMENTS,<br>UNLESS OTHERWISE SPECIFICALLY LISTED  | \$10.00        | FIRST PAGE           |
|   | \$1.00         | EACH ADDITIONAL PAGE |
| CHARITABLE EXEMPTION (PER SET)  | \$3.00         |                      |
| CLAIM   |                |                      |
| FILING AND INDEXING   | \$10.00        |                      |
| SATISFYING CLAIM IN DOCKET  | \$5.00         |                      |
| CLOSING LETTER (REVENUE CERTIFICATE)  | \$10.00        |                      |
| CODICIL   | \$20.00        |                      |
|   | \$3.00         | EACH ADDITIONAL PAGE |
| COMMISSION (TO TAKE TESTIMONY)  | \$15.00        |                      |
| ADMINISTER OATH WITH COVER LETTER   | \$20.00        |                      |
| CONTINUANCE   | \$15.00        |                      |
| COPIES  | \$0.25         | PER PAGE             |
| PHOTOCOPIES   | \$0.25         | PER PAGE             |
| DOCKET ENTRIES  | \$0.25         | PER PAGE             |
| EXEMPLIFIED COPIES  | 40.00          |                      |
| MICROFILM   | ACTUAL<br>COST | ESTIMATE (\$0.75)    |
| TELEFAX   | ACTUAL<br>COST | PER PAGE             |
| DATA PROCESSING FEE, IF APPLICABLE  | \$15.00        |                      |
| DEATH CERTIFICATION   | \$5.00         |                      |
| DEED EXECUTION  | \$10.00        |                      |
| DISCLAIMER  | \$7.00         |                      |



|  |         |   |
|--|---------|---|
| DISCONTINUANCE   | \$7.00  |   |
| ELECTION TO TAKE UNDER OR AGAINST WILL   | \$15.00 |   |
| EXCEPTIONS TO ADJUDICATION   | \$10.00 |   |
| EXEMPLIFIED COPY OF WILL OR OTHER RECORD<br>(FILING FROM ANOTHER COUNTY)   | \$40.00 | TOTAL EXEMPT FOR FILING   |
| PLUS DATA PROCESSING   | \$15.00 | = \$60.00   |
| PLUS AUTOMATION FEE  | \$5.00  |   |
| EXTRA PAGES OF WILL (AFTER FIRST PAGE)   | \$3.00  |   |
| FAMILY EXEMPTION   | \$5.00  |   |
| FEDERAL FORM 706   | \$10.00 |   |
| INHERITANCE TAX RETURN   |         |   |
| REVENUE 1500 (INHERITANCE TAX RETURN AND PAPERS)   | \$15.00 |   |
| SUPPLEMENTAL REV 1500  | \$10.00 |   |
|  |         | (IF NEW ADD DP \$15.00 AND JCP \$10.00 AND AUTOMATION FEE \$5.00)—\$40.00             |
| CERTIFICATION OF INHERITANCE TAX   | \$10.00 |   |
| INVENTORY  | \$10.00 |   |
| JUDICIAL COMPUTER PROJECT (JCP) FEE (STATE FEE),<br>ASSESSED ON EACH FIRST FILING  | \$10.00 |   |
| MISCELLANEOUS FILINGS  | \$5.00  | FIRST PAGE  |
|  | \$3.00  | EACH ADDITIONAL PAGE  |
| PETITIONS/MOTIONS (OF WHATEVER NATURE, NOT OTHERWISE SPECIFICALLY LISTED): CITATION (RULE),<br>PRELIMINARY ORDER AWARDED CITATION AND FIRST PAGE OF PETITION | \$15.00 |   |
| EACH ADDITIONAL PAGE (NOT COUNTING EXHIBITS OR AFFIDAVITS)   | \$3.00  |   |
|  |         | FOR PETITIONS/MOTIONS WHICH INITIATE THE PROCEEDINGS, ADD DP, JCP AND AUTOMATION FEES |
| EACH EXHIBIT (THIS IS A CHARGE PER DOCUMENT, THE ORIGINAL OF WHICH HAS NOT PREVIOUSLY BEEN FILED OF RECORD)  | \$2.00  |   |
| PETITION FOR DISCHARGE OF TRUSTEE & APPT OF<br>SUBSTITUTE TRUSTEE  | \$15.00 | TOTAL FEE = \$45.00   |
| PLUS DATA PROC.  | \$15.00 |   |
| PLUS JCP FEE   | \$10.00 |   |
| PLUS AUTOMATION FEE  | \$5.00  |   |
| PETITION RE: INTER VIVOS TRUST   | \$30.00 | TOTAL FEE = \$60.00   |
| PLUS DATA PROC.  | \$15.00 |   |
| PLUS JCP FEE   | \$10.00 |   |
| PLUS AUTOMATION FEE  | \$5.00  |   |
|  |         | TOTAL FOR SMALL ESTATES   |
| PETITION FOR SMALL ESTATE  | \$30.00 | = \$60.00   |
| PLUS DATA PROCESSING   | \$15.00 |   |
| PLUS THE JCP FEE   | \$10.00 |   |
| PLUS AUTOMATION FEE  | \$5.00  |   |
| PRAECIPE (OF WITHDRAWAL OR APPEARANCE)   | \$10.00 |   |
| RELEASES, RECORDING PER NAME   | \$5.00  |   |
| RENUNCIATION (PER NAME)  | \$5.00  |   |
| RETURNED CHECK FEE   | \$25.00 |   |
| SATISFACTION OF AWARD  |         |   |
| PERSONAL PROPERTY  | \$5.00  |   |
| REAL ESTATE  | \$10.00 |   |
| SHORT CERTIFICATES   | \$4.00  | EACH  |
| STIPULATION  | \$10.00 |   |
| SUBPOENA   | \$5.00  |   |
| TRUST FILING   | \$25.00 |   |

|  |                             |
|--|-----------------------------|
| WAIVER                                 | \$5.00 PER SET              |
| WILLS (TO RECORD ONLY, NOT TO PROBATE) | \$40.00                     |
| WRONGFUL DEATH PETITION                | \$25.00 FIRST PAGE          |
|  | \$3.00 EACH ADDITIONAL PAGE |
| PLUS DATA PROC                         | \$15.00                     |
| PLUS JCP FEE                           | \$10.00                     |
| PLUS AUTOMATION FEE                    | \$5.00                      |

NOTE: Pursuant to 42 Pa.C.S.A. § 3502 (a) the Supreme Court authorized the Court Administrator of Pennsylvania to promulgate financial regulations to implement 42 Pa.C.S.A. § 3733 (regarding funding of the Unified Judicial System's Statewide Automation Project). The regulations so promulgated impose a statutory fee of \$10.00 on "first filings in petitions concerning adoptions, incapacitated persons, and estates, minor's estates and inter vivos trusts." If not already included, the \$10.00 fee is in addition to the above-listed filing fees.

For filings in cases not specifically enumerated, the fee imposed shall be charged on the same basis as that for a substantially similar specified filing.

\*PAYMENT OF ALL FEES EXCEPT THOSE LISTED FOR ADJUDICATIONS MUST BE MADE AT THE TIME OF FILING.

APPROVED:

  
 JUDY F. MOON  
 CARBON COUNTY REGISTER OF WILLS

DATED: May 11, 2009

[Pa.B. Doc. No. 09-1139. Filed for public inspection June 26, 2009, 9:00 a.m.]

## SUPREME COURT

In Re: Minor Judiciary Education Board; No. 257; Magisterial Doc. No. 1

### Order

*Per Curiam*

*And Now*, this 11th day of June, 2009, pursuant to Article V, Section 10(a) of the Constitution of Pennsylvania, the Court hereby directs that the Minor Judiciary Education Board shall be composed of seven members. One of the members shall be designated by the Court as Chair and one as Vice-Chair of the Board. Initial appointments shall be for one-, two- or three-year terms and shall commence on July 1, 2009. Thereafter, appointments shall be for a term of three years and members shall serve no more than two consecutive three-year terms. The appointees to initial one- and two-year terms shall not be eligible for reappointment.

JOHN A. VASKOV,  
*Deputy Prothonotary*

[Pa.B. Doc. No. 09-1140. Filed for public inspection June 26, 2009, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 10—BANKS AND BANKING

### DEPARTMENT OF BANKING

[ 10 PA. CODE CH. 48 ]

#### Mortgage Loan Business Practices—Statement of Policy

The Department of Banking (Department) is amending this statement of policy under the authority 7 Pa.C.S. § 6138(a)(4) (relating to authority of department) (Mortgage Act).

##### *Purpose*

The statement of policy was originally promulgated to provide guidance to licensees under section 310(a) of the Mortgage Bankers and Brokers and Consumer Equity Protection Act (MBBCEPA) (63 P.S. § 456.310(a)). On November 5, 2008, Chapter 3 of the MBBCEPA was repealed and replaced by the enactment of the Mortgage Act. The Mortgage Act assumed the place of Chapter 3 of the MBBCEPA and contains the same statutory provisions upon which the original guidance was based. Additionally, the Mortgage Act regulates certain licensees that were not previously licensed under Chapter 3 of the MBBCEPA. Therefore, the Department has revised the statement of policy to comport with the Mortgage Act and to cover the additional licensees that were not previously required to be licensed.

##### *Explanation of Requirements*

There are no new requirements as a result of the issuance of the revised statement of policy.

##### *Entities Affected*

The statement of policy will affect existing and future licensees under the Mortgage Act as of the date of publication of the statement of policy in the *Pennsylvania Bulletin*.

##### *Costs and Paperwork Requirements*

No additional costs will be incurred by the Department or licensees as a result of this statement of policy.

##### *Effectiveness/Sunset Date*

The statement of policy is effective upon publication in the *Pennsylvania Bulletin*. There is no sunset date.

##### *Contact Person*

Persons with questions regarding the statement of policy should contact the Office of Chief Counsel of the Department of Banking, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290, (717) 787-1471.

(*Editor's Note:* Title 10 of the *Pennsylvania Code* is amended by amending a statement of policy in §§ 48.1—48.3 to read as set forth in Annex A.)

**Fiscal Note:** 3-45. No fiscal impact; (8) recommends adoption.

STEVEN KAPLAN,  
Secretary

### Annex A

#### TITLE 10. BANKS AND BANKING

#### PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

#### CHAPTER 48. MORTGAGE LOAN BUSINESS PRACTICES—STATEMENT OF POLICY

|       |  |
|-------|--|
| Sec.  |  |
| 48.1. | Definitions.   |
| 48.2. | Purpose.   |
| 48.3. | Dishonest, fraudulent, illegal, unfair or unethical, or negligent or incompetent practices or conduct in the mortgage loan business. |

##### § 48.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—7 Pa.C.S. Chapter 61 (relating to mortgage loan industry licensing and consumer protection).

*Licensee*—A licensee as defined in 7 Pa.C.S. § 6102 (relating to definitions).

*Mortgage broker*—A mortgage broker as defined in 7 Pa.C.S. § 6102.

*Mortgage lender*—A mortgage lender as defined in 7 Pa.C.S. § 6102.

*Mortgage loan business*—The mortgage loan business as defined in 7 Pa.C.S. § 6102.

*Mortgage loan correspondent*—A mortgage loan correspondent as defined in 7 Pa.C.S. § 6102.

*Mortgage originator*—A mortgage originator as defined in 7 Pa.C.S. § 6102.

##### § 48.2. Purpose.

The purpose of this chapter is to provide guidance to licensees under the act regarding what constitutes dishonest, fraudulent or illegal practices or conduct in any business, unfair or unethical practices or conduct in connection with the mortgage loan business and negligence or incompetence in performing any act for which a licensee is required to hold a license under the act, as contemplated under 7 Pa.C.S. § 6139(a)(3) and (10) (relating to suspension revocation or refusal). Conduct or practices that the Department believes to be dishonest, fraudulent, illegal, unfair, unethical, negligent or incompetent under the act may result in an administrative action against the licensee by the Department under 7 Pa.C.S. § 6139(a)(3) and (10), as applicable. In reviewing licensee conduct and practices, the Department will consider the totality of circumstances in each case, including the actions of licensees, in determining whether licensee conduct and practices are inconsistent with the act.

##### § 48.3. Dishonest, fraudulent, illegal, unfair or unethical, or negligent or incompetent practices or conduct in the mortgage loan business.

The following paragraphs provide guidance as to what the Department will consider when reviewing licensee conduct for dishonest, fraudulent or illegal practices or conduct in any business, unfair or unethical practices or conduct in connection with the mortgage loan business and negligence or incompetence in performing any act for which a licensee is required to hold a license under the act and examples of these kinds of activities within the context of the mortgage loan business. The examples

listed under each paragraph are for illustrative purposes only and do not limit or otherwise alter the Department's discretion or the applicability of the guidance contained in each paragraph to all licensees.

(1) A dishonest practice or conduct is characterized by a lack of truth, honesty or trustworthiness, or is deceptive or implies a willful perversion of the truth to deceive, cheat, or defraud.

**Example A:** In the process of obtaining a mortgage loan for a consumer, a mortgage originator employed by a mortgage broker discloses to the consumer in the Good Faith Estimate that the mortgage broker's fee for the transaction will be \$1,000, although the mortgage originator knows that the fee will be much higher. There are no material changes to the loan prior to closing. The consumer appears at the loan closing and discovers when reviewing the HUD-1 settlement sheet that the mortgage broker's fee is \$3,000.

**Example B:** A consumer tells a mortgage originator employed by a mortgage broker that she seeks a fixed-rate mortgage loan without a prepayment penalty that has an interest rate within a certain range. The mortgage originator knows that the consumer does not qualify for such a fixed-rate mortgage loan, but does not inform the consumer of that fact. Additionally, in all legally-required disclosures it is indicated that the consumer is getting a fixed-rate loan without a prepayment penalty. However, when the consumer arrives at the loan closing, the mortgage loan that is offered is a variable-rate loan with a prepayment penalty.

**Example C:** A mortgage loan correspondent designs and issues targeted loan solicitations that purposefully appear to come from Federal or State government agencies or consumers' existing lenders, or both.

(2) A fraudulent practice or conduct is characterized by deceit or trickery, an intentional perversion of the truth to induce another to part with something of value or to surrender a legal right, or an act of deceiving or misrepresenting. Fraud also includes any other definition of fraud under applicable law.

**Example A:** A mortgage originator employed by a mortgage broker has promised a certain low-rate mortgage loan to a consumer. However, the consumer does not have the minimum debt-to-income ratio set by the lender preferred by the mortgage originator's employer to qualify for the lowest-rate mortgage loan offered. Therefore, the mortgage originator changes the W-2 statement of the consumer to reflect a higher income for the consumer without the consumer's knowledge, and then submits the documentation to the lender.

**Example B:** An employee of a mortgage lender contacts a real estate appraiser with a request to perform an appraisal and informs the appraiser that the sale price of the property is \$150,000. The employee knows that the property will not appraise for that amount, but promises the appraiser future business if the appraiser "can make the deal work." The mortgage loan is closed by the mortgage lender based upon the appraisal report showing the value of the property as \$150,000.

**Example C:** A consumer seeks a particular mortgage loan from a mortgage broker but does not have sufficient income or assets to obtain the specified product offered by one of the mortgage broker's lenders. After the mortgage broker explains the problem to the consumer, the consumer tells the mortgage broker he forgot to mention previously that he makes double his previously-stated income based upon a side business. The consumer later

provides documentation to the mortgage broker regarding the additional income. The mortgage broker, although suspicious of the sudden change in the consumer's circumstances, does not question the consumer on the additional income and submits a loan application including the additional income to the lender. The mortgage loan is closed by the lender and the lender later discovers that the purported additional income never existed.

(3) An illegal practice or conduct is characterized as not according to or authorized by law.

**Example A:** A mortgage broker fails to provide a consumer with a good faith estimate within 3 business days of receiving the consumer's mortgage loan application as required by the Real Estate Settlement Procedures Act of 1974 (12 U.S.C.A. §§ 2601—2617) in a situation where the lender has not rejected the application within 3 days.

**Example B:** A mortgage loan correspondent fails to implement a plan to safeguard confidential consumer information as required by the Gramm-Leach-Bliley Act and the Federal Trade Commission's Privacy and Safeguards Rules.

**Example C:** A mortgage lender advertises an interest rate without conspicuously disclosing the annual percentage rate and identifying the qualification terms, as required by the Truth-in-Lending Act (15 U.S.C.A. §§ 1601—1667f).

(4) An unfair practice or conduct is characterized as being marked by injustice, partiality or deception or being inequitable in business dealings. An unethical practice or conduct is characterized as not conforming with the moral norms or standards followed in the mortgage loan business or profession.

**Example A:** A consumer tells a mortgage originator employed by a mortgage broker that he seeks a \$30,000 fixed-rate home equity loan on a house that the consumer has advised the mortgage originator he intends to remain in permanently. Although the mortgage originator's employer is able to provide the requested loan, the mortgage originator "steers" the consumer to variable-rate products with balloon payment features for which the mortgage originator's employer, and thus the mortgage originator, will receive higher compensation than with a traditional fixed-rate home equity loan.

**Example B:** A lender has an agreement with a mortgage broker to provide qualified consumers a certain interest rate. The mortgage broker then tells a consumer who qualifies for the certain interest rate that the interest rate is locked in with the lender; however, the consumer was not asked by the mortgage broker or lender to sign a lock-in agreement with the lender. The lender later informs the mortgage broker that the lender is not going to honor the agreement between the mortgage broker and the lender to provide certain interest rates. Therefore, the mortgage broker is unable to offer the consumer a mortgage loan with the promised interest rate and the consumer has no written lock-in agreement to enforce against the lender.

**Example C:** A mortgage lender enters into a lock-in agreement with a consumer. During the lock-in period, interest rates rise. The mortgage lender decides to delay closing until the lock-in agreement with the consumer expires, thus causing the consumer to lose his locked-in interest rate and forcing the consumer to accept a mortgage loan with a higher interest rate.

(5) Negligence in performing any act for which the licensee is required to hold a license under the act is

characterized by the definition of negligence as used by the courts of this Commonwealth. Incompetence in performing any act for which the licensee is required to hold a license under the act is characterized as inadequate or unsuitable for a particular purpose, or lacking the qualities needed for effective action.

**Example A:** A mortgage originator employed by a mortgage lender takes mortgage loan applications from consumers on behalf of the licensee, but then leaves the company. The mortgage lender fails to follow up on the former employee's application files. A consumer assumes that his mortgage loan is being processed by the mortgage lender until he contacts the mortgage lender as the closing date on his home purchase approaches. The mortgage lender realizes the error but is unable to provide the applied-for mortgage loan in time for the closing date.

**Example B:** A mortgage broker routinely fails to timely forward information received from consumers that was requested by the lenders and which is necessary to meet lenders' underwriting criteria. As closing approaches, the lenders receive the consumers' information and determine that the consumers do not qualify for the loans promised by the mortgage broker, thereby causing the consumers to delay closings or obtain different loans, or both.

**Example C:** A mortgage lender consistently fails to file mortgage satisfaction pieces, thereby repeatedly causing consumers to have to send notices to satisfy to the mortgage lender to get the mortgage lender to issue mortgage satisfaction pieces regarding the consumers' paid-off mortgage loan obligations.

[Pa.B. Doc. No. 09-1141. Filed for public inspection June 26, 2009, 9:00 a.m.]

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [ 55 PA. CODE CH. 6000 ]

### Rescission of the Statement of Policy Clarifying County Fiscal Management for Waiver Services

#### Scope

This statement of policy applies to administrative entity (AE) directors and administrators.

#### Purpose

The purpose of this statement of policy is to rescind 55 Pa. Code Chapter 6000, Subchapter N regarding County Fiscal Management for the 2176 Waiver (§§ 6000.781—6000.785).

#### Background

As a condition of approving renewal of the Consolidated and P/FDS waivers, the Federal Centers for Medicare and Medicaid Services (CMS) directed that the Department of Public Welfare develop a Statewide rate-setting methodology for both waivers. The procedures for the standardized rate-setting methodology will include policies for funding reserved bed days.

#### Discussion

Because the standardized rate-setting methodology and AE Operating Agreement will include AE requirements related to rate setting for the waivers, the statements of policy are no longer needed.

#### Effective Date

This statement of policy is effective for rates for waiver-funded services that are effective as of July 1, 2009.

#### Contact Person

Jeanne Meikrantz, Policy Specialist  
Office of Developmental Programs  
Deputy Secretary's Office  
(610) 562-6275  
c-jmeikran@state.pa.us

ESTELLE B. RICHMAN,  
*Secretary*

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by deleting §§ 6000.781—6000.785 to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-087. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 55. PUBLIC WELFARE

### PART VIII. MENTAL RETARDATION MANUAL

### Subpart A. STATEMENTS OF POLICY

### CHAPTER 6000. STATEMENTS OF POLICY

#### Subchapter N. [ Reserved ]

§ 6000.781. (Reserved).

§ 6000.782. (Reserved).

§ 6000.783. (Reserved).

§ 6000.784. (Reserved).

§ 6000.785. (Reserved).

[Pa.B. Doc. No. 09-1142. Filed for public inspection June 26, 2009, 9:00 a.m.]

### DEPARTMENT OF PUBLIC WELFARE

#### [ 55 PA. CODE CH. 6000 ]

### Rescission of the Statements of Policy Clarifying Reserved Bed Days Under 2176 Waiver

#### Scope

This statement of policy applies to administrative entity (AE) directors and administrators and providers of Residential Habilitation services funded through the Consolidated and Person/Family Directed Support (P/FDS) Waivers.

#### Purpose

The purpose of this statement of policy is to rescind 55 Pa. Code Chapter 6000, Subchapter B regarding reserved bed day procedures for hospitalization and therapeutic leave under 2176 waiver (§§ 6000.201—6000.203); and Subchapter P regarding procedures for funding reserved hospital and leave days under 2176 waiver (§ 6000.841).

#### Background

As a condition of approving renewal of the Consolidated and P/FDS waivers, the Federal Centers for Medicare and Medicaid Services (CMS) directed that the Department of Public Welfare develop a Statewide rate-setting methodology for both waivers. The procedures for the standardized rate-setting methodology will include policies for funding reserved bed days.

*Discussion*

Because the standardized rate-setting methodology will include procedures for funding reserved bed days for the waivers, these statements of policy are no longer needed.

*Effective Date*

This statement of policy is effective for rates for waiver-funded residential habilitation services that are effective as of July 1, 2009.

*Contact Person*

Jeanne Meikrantz, Policy Specialist  
Office of Developmental Programs  
Deputy Secretary's Office  
(610) 562-6275  
c-jmeikran@state.pa.us

ESTELLE B. RICHMAN,  
*Secretary*

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by deleting §§ 6000.201—6000.203 to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-086. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 55. PUBLIC WELFARE****PART VIII. MENTAL RETARDATION MANUAL****Subpart A. STATEMENTS OF POLICY****CHAPTER 6000. STATEMENTS OF POLICY****Subchapter B. [ Reserved ]**

**§ 6000.201. (Reserved).**

**§ 6000.202. (Reserved).**

**§ 6000.203. (Reserved).**

**Subchapter P. [ Reserved ]**

**§ 6000.841. (Reserved).**

[Pa.B. Doc. No. 09-1143. Filed for public inspection June 26, 2009, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6710 (relating to commercial value) establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

|                     |                  |
|---------------------|------------------|
| Nitrogen            | \$0.48 per pound |
| Available phosphate | \$0.50 per pound |
| Soluble potash      | \$0.36 per pound |

Further information is available by contacting Erin K. Bubb, Agronomic Program Specialist, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

These commercial values are effective commencing July 1, 2009, and shall remain effective until further notice.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 09-1144. Filed for public inspection June 26, 2009, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending June 16, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Section 112 Applications

| <i>Date</i> | <i>Name of Individual</i>  | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 6-9-2009    | Kenneth B. and Moira F. Mumma to acquire up to 25.3% of the common stock of New Century Bank, Phoenixville | Phoenixville    | Filed         |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>                                  | <i>Action</i> |
|-------------|--|--|---------------|
| 6-12-2009   | Marquette Savings Bank<br>Erie<br>Erie County  | Erie   | Approved      |
|             | Purchase of assets and assumption of liabilities of three branches of National City Bank, Cleveland, OH, located at: |  |               |
|             | 210 Water Street<br>Conneaut Lake<br>Crawford County   | 349 North Street<br>Meadville<br>Crawford County |               |
|             | 16086 Conneaut Lake Road<br>Meadville<br>Crawford County   |  |               |

**Branch Applications****Branch Relocations**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 6-6-2009    | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>To:</i> 48 West Skippack Pike<br>Ambler<br>Montgomery County<br><br><i>From:</i> 7004 Butler Pike<br>Broad Axe<br>Montgomery County | Effective     |

**Articles of Amendment**

| <i>Date</i> | <i>Name of Bank</i>   | <i>Purpose</i>  | <i>Action</i> |
|-------------|---|---|---------------|
| 6-11-2009   | Public Savings Bank<br>Huntingdon Valley<br>Montgomery County | Amend Article III of the<br>Articles of Incorporation | Filed         |

Amendment to Article III of the institution's Articles of Incorporation changes the par value of the voting common stock from \$5 per share to no par value per share.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-1145. Filed for public inspection June 26, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

**Neighborhood Stabilization Program 2**

The Department of Community and Economic Development (Department) is proposing to submit a Consortium application for Neighborhood Stabilization Program 2 (NSP2) funds authorized under the American Recovery and Reinvestment Act of 2009 (42 U.S.C.A. § 5301). The United States Department of Housing and Urban Development (HUD) issued a notice announcing a deadline for applications seeking funding through a competitive process for these funds.

The Department developed a set of submission requirements to coordinate a Consortium application for NSP2 funds. Any eligible applicant seeking to participate in this Consortium application must adhere to the submission requirements available on the Department's web site at <http://www.newpa.com/find-and-apply-for-funding/funding-and-program-finder/funding-detail/index.aspx?progId=182>. The Department is willing to cooperate with any local government or other eligible applicant that can meet the requirements of the NSP2 program and the submission requirements the Department established.

The purpose of NSP2 funds is to provide funding to address the housing foreclosure crisis created by subprime and other problematic mortgage lending, as well as the economic recession. NSP2 funds can be used for financing mechanisms, acquisition and rehabilitation of foreclosed homes, land bank activities, demolition or redevelopment of properties for residential purposes.

Local members of the Consortium will be required to disseminate information about projects, properties, and the use of funds in their local general newspapers and on their web site. The local Consortium members will also be responsible for receiving and responding to public comments on those projects and uses of funds.

Submissions will be accepted and must be received by the Department by July 8, 2009. All NSP2 applicant submissions must be sent to Jody Michael, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120.

GEORGE E. CORNELIUS,  
*Acting Secretary*

[Pa.B. Doc. No. 09-1146. Filed for public inspection June 26, 2009, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i>                            |
|-----------------|-------------------------|--|
| Section I       | NPDES                   | Renewals   |
| Section II      | NPDES                   | New or amendment   |
| Section III     | WQM                     | Industrial, sewage or animal waste; discharge into groundwater |
| Section IV      | NPDES                   | MS4 individual permit  |
| Section V       | NPDES                   | MS4 permit waiver  |
| Section VI      | NPDES                   | Individual permit stormwater construction                      |
| Section VII     | NPDES                   | NOI for coverage under NPDES general permits                   |

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### I. NPDES Renewal Applications

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                         | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|----------------------------|
| PA0085341<br>(Sew)          | Bravett B. Lynch<br>2913 Whitney Avenue<br>Baltimore, MD 21215 | Bedford County<br>Mann Township      | UNT Sideling Hill<br>Creek<br>13-B   | Y                          |

| <i>NPDES No.<br/>(Type)</i>         | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>   | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-------------------------------------|---|--|--------------------------------------|-----------------------------|
| PAS703501<br>Transfer No. 2<br>(SW) | Crafco, Inc.<br>Ergon Asphalt &<br>Emulsions, Inc.<br>P. O. Box 1639<br>Jackson, MS 39215-1639      | Berks County<br>Muhlenberg Township    | Laurel Run<br>3-C                    | Y                           |
| PA0009920<br>Transfer<br>(IW)       | Exelon Generation Company,<br>LLC—Exelon Three Mile Island<br>P. O. Box 480<br>Middletown, PA 17057 | Dauphin County<br>Londonderry Township | Susquehanna River<br>7-G             | Y                           |

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0022187<br>SP             | Beavertown Municipal<br>Authority<br>410 Old Orchard Drive<br>Beavertown, PA 17813 | Snyder County<br>Beavertown Borough  | Luphers Run<br>6A                    | Y                           |
| PA0112445<br>IW             | P & N Packing, Inc.<br>R. R. 2<br>Box 189<br>Wyalusing, PA 18853                   | Bradford County<br>Terry Township    | Susquehanna River<br>4D              | Y                           |

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0043982**, Sewage, **Utilities, Inc. of Pennsylvania**, 3311 Village Drive North, Upper Marlboro, MD 20772. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Broad Run STP located at 1201 Sawmill Road, Downingtown, PA to a UNT to East Branch Brandywine Creek in Watershed 3H.

**NPDES Permit No. PA0052663**, Sewage, **Knight's Bridge Corporation**, 112 Chelsey Drive, Suite 200, Media, PA 19063-1762. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Knight's Bridge STP into Harvey Run in Watershed 3H.

**NPDES Permit No. PA0043974**, Sewage, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460-2656. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 9.2 mgd of treated sewage into The Schuylkill River in Watershed 3D.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA 0023540**, Sewage, **Berks Montgomery Municipal Authority**, 136 Municipal Drive, Gilbertsville, PA 19525. This facility is located in Colebrookdale Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Ironstone Creek, is in Watershed 3-D, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Schuylkill River, approximately 37 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.32 mgd are:

| <i>Parameter</i>       | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|-----------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>      | 25                                | 40                               | 50                                      |
| Total Suspended Solids | 30                                | 45                               | 60                                      |
| NH <sub>3</sub> -N     |                                   |                                  |   |
| (5-1 to 10-31)         | 2.5                               | XXX                              | 5                                       |
| (11-1 to 4-30)         | 7.5                               | XXX                              | 15                                      |
| Total Copper           | 0.013                             | 0.02                             | XXX                                     |
| Dissolved Oxygen       |                                   | Minimum of 5.0 at all times      |   |
| pH                     |                                   | From 6.0 to 9.0 inclusive        |   |

| <i>Parameter</i>                                  | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i>   | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|---|-----------------------------------|--|---|
| Fecal Coliform<br>(5-1 to 9-30)<br>(10-1 to 4-30) |                                   | 200/100 ml as a Geometric Average<br>2,000/100 ml as a Geometric Average |   |

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0044911, Amendment No. 1**, Industrial Waste, SIC Code 2021 and 2023, **Land O'Lakes, Inc.**, 405 Park Drive, Carlisle, PA 17015-9270. This facility is located in South Middleton Township, **Cumberland County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Mountain Creek, is in Watershed 7-E, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water Company located on the Yellow Breeches Creek, approximately 24.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 (Mountain Creek mill race) based on a design flow of 0.81 mgd are:

| <i>Parameter</i>   | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i>                              |                          | <i>Instantaneous<br/>Maximum</i> |
|--------------------|----------------------------|--------------------------|--|--------------------------|----------------------------------|
|                    | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>                               | <i>Maximum<br/>Daily</i> |                                  |
| pH                 |                            |                          | From 6.0 to 9.0 inclusive<br>Minimum of 5.0 at all times |                          |                                  |
| Dissolved Oxygen   |                            |                          | Report   | XXX                      | 33                               |
| CBOD <sub>5</sub>  | 90                         | 180                      | Report   | XXX                      | 42                               |
| TSS                | 115                        | 226                      | 2.0  | 4.0                      | 5.0                              |
| Total Phosphorus   | 13.5                       | 27                       |  |                          |                                  |
| NH <sub>3</sub> -N |                            |                          |  |                          |                                  |
| (5-1 to 10-31)     | 10                         | 20                       | 1.5  | 3.0                      | 3.75                             |
| (7-1 to 7-31)      | 30                         | 60                       | 4.5  | 9.0                      | 11                               |
| Temperature        |                            |                          |  |                          |                                  |
| (7-1 to 7-31)      | XXX                        | XXX                      | Report   | 82° F                    | XXX                              |
| (8-1 to 6-30)      | XXX                        | XXX                      | Report   | 110° F                   | XXX                              |

The proposed final effluent limits for Outfall 001 (Mountain Creek west branch) based on a design flow of 0.81 mgd are:

| <i>Parameter</i>       | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i>                              |                          | <i>Instantaneous<br/>Maximum</i> |
|------------------------|----------------------------|--------------------------|--|--------------------------|----------------------------------|
|                        | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>                               | <i>Maximum<br/>Daily</i> |                                  |
| pH                     |                            |                          | From 6.0 to 9.0 inclusive<br>Minimum of 5.0 at all times |                          |                                  |
| Dissolved Oxygen       |                            |                          | Report   | XXX                      | 33                               |
| CBOD <sub>5</sub>      | 90                         | 180                      | Report   | XXX                      | 42                               |
| Total Suspended Solids | 115                        | 226                      | 2.0  | 4.0                      | 5.0                              |
| Total Phosphorus       | 13.5                       | 27                       |  |                          |                                  |
| NH <sub>3</sub> -N     |                            |                          |  |                          |                                  |
| (5-1 to 10-31)         | 10                         | 20                       | 1.5  | 3.0                      | 3.75                             |
| (7-1 to 7-31)          | 30                         | 60                       | 4.5  | 9.0                      | 11                               |
| Temperature            |                            |                          |  |                          |                                  |
| (7-1 to 7-31)          | XXX                        | XXX                      | Report   | 89° F                    | XXX                              |
| (8-1 to 6-30)          | XXX                        | XXX                      | Report   | 110° F                   | XXX                              |

The proposed effluent limits for Internal Monitoring Point 101 are:

| <i>Parameter</i>       | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          | <i>Instantaneous<br/>Maximum</i> |
|------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                        | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> |                                  |
| pH                     | XXX                        | XXX                      | Report                      | Report<br>(Minimum)      | Report                           |
| Dissolved Oxygen       | XXX                        | XXX                      | Report<br>(Minimum)         | XXX                      | XXX                              |
| CBOD <sub>5</sub>      | Report                     | Report                   | Report                      | Report                   | XXX                              |
| Total Suspended Solids | Report                     | Report                   | Report                      | Report                   | XXX                              |
| Total Phosphorus       | Report                     | Report                   | Report                      | Report                   | XXX                              |
| NH <sub>3</sub> -N     | Report                     | Report                   | Report                      | Report                   | XXX                              |
| Temperature ° F        | XXX                        | XXX                      | Report                      | Report                   | XXX                              |

The proposed effluent limits for Internal Monitoring Point 102 are:

| <i>Parameter</i>       | <i>Mass (lb/day)</i>   |                      | <i>Concentration (mg/l)</i> |                      |                              |
|------------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                        | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| pH                     | XXX                    | XXX                  | Report                      | Report (Minimum)     | Report                       |
| CBOD <sub>5</sub>      | XXX                    | XXX                  | Report                      | XXX                  | XXX                          |
| Total Suspended Solids | XXX                    | XXX                  | Report                      | XXX                  | XXX                          |
| Temperature ° F        | XXX                    | XXX                  | Report                      | Report               | XXX                          |

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0263541**, Sewage, **Thomas Young**, 209 Center Drive, Chicora, PA 16025-3705. This proposed facility is located in Oakland Township, **Butler County**.

Description of Proposed Activity: New NPDES Permit for a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the PA American Water Company—Butler intake is located on the Thorn Run Reservoir and is approximately 1 mile below point of discharge.

The receiving stream, the UNT to Thorn Creek, is in Watershed 20-C and classified for: HQ-WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

| <i>Parameter</i>        | <i>Concentrations</i>         |  |                                     |
|-------------------------|-------------------------------|--|-------------------------------------|
|                         | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i>           | <i>Instantaneous Maximum (mg/l)</i> |
| Flow (mgd)              | XX                            |  |                                     |
| CBOD <sub>5</sub>       | 10                            |  | 20                                  |
| Total Suspended Solids  | 10                            |  | 20                                  |
| Fecal Coliform          |                               | 200/100 ml as a Geometric Average      |                                     |
| Total Residual Chlorine | XX                            |  |                                     |
| pH                      |                               | 6.0 to 9.0 Standard Units at all times |                                     |

XX—Monitor and report.

The EPA waiver is in effect.

### **III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 0909406**, Sewerage, **Warwick Township Water & Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Construction of replacement sanitary pump station for Mountain View PS.

**WQM Permit No. WQG02090905**, Sewerage, **Warminster Township Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Action/Activity: Construction of a pump station, installation of associated gravity sewer and force main.

**WQM Permit No. 1509406**, Sewerage, **Camphill Special School-Beaver Farms**, 1784 Fairview Road, Glenmoore, PA 19343. This proposed facility is located in East Vincent Township, **Chester County**.

Description of Action/Activity: A new onsite wastewater treatment facility consists of two septic tanks in series followed by an intermittent sand filter and drip irrigation system.

**WQM Permit No. 0909406**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: New 300,000 gallon surge tank to relieve excess wastewater inflow.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 5409402**, Sewerage, **Borough of Ashland**, 401 South 18th Street, Ashland, PA 17921. This proposed facility is located in Ashland Borough, **Schuylkill County**.

Description of Proposed Action/Activity: This project consists of installation of a Fluidized Bed Reactor System with support equipment to reduce nitrogen levels in the effluent at the Borough of Ashland's wastewater treatment plant.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 2275724**, Transfer, Sewerage, **Exelon Generation Company, LLC**, Route 441, P. O. Box 480, Middletown, PA 17057-0482. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for Transfer of Permit.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 5609407**, Sewerage, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926. This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment.

**WQM Permit No. 0209403**, Sewerage, **Bell Acres Municipal Authority**, 1151 Camp Meeting Road, Sewickley, PA 15143. This proposed facility is located in Bell Acres Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of four package sewage treatment plants with pump stations.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 0209404**, Sewerage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237. This proposed facility is located in McCandless Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer.

**WQM Permit No. 566S053-A3**, Sewerage, **Cresson Borough Municipal Authority**, 631 Second Street, Cresson, PA 16630. This existing facility is located in Cresson Township, **Cambria County**.

Description of Proposed Action/Activity: Application for permit amendment for improvements to the Cresson Borough WWTP.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. WQG016176**, Sewerage, **Jeffrey L. Bender**, 861 Tanner Street, Ebensburg, PA 15931. This proposed facility is located in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

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#### **IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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#### **V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-----------------------|----------------------------|
| PAI01<br>1509021        | Department of General Services<br>18th and Herr Streets<br>Harrisburg, PA 17125               | Chester       | Lower Oxford Township | McDonald Run<br>HQ-TSF-MF  |
| PAI01<br>1509022        | Tel Hai Retirement Community<br>1200 Tel Hai Circle<br>P. O. Box 190<br>Honey Brook, PA 19344 | Chester       | Honey Brook Township  | Two Log Run<br>HQ-TSF      |
| PAI01<br>1509023        | Margay B. Grose<br>117 Sugartown Road<br>Devon, PA 19202                                      | Chester       | Easttown Township     | Darby Creek<br>CWF         |

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Northampton County Conservation District: Greystone Building, 14 Gracedale Avenue, Nazareth, PA 18064-9211, (610) 746-1971.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI024809005            | Equi-librium, Inc.<br>Attn: Patricia J. Sayler<br>P. O. Box 305<br>Scioto, PA 18354 | Northampton   | Bushkill Township   | Bushkill Creek<br>HQ-CWF   |

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>                      | <i>Receiving Water/Use</i>  |
|-------------------------|---|---------------|--|---|
| PAI030609002            | Forino Company, LP<br>555 Mountain Home Road<br>Sinking Spring, PA 19608                                | Berks         | Ontelaunee Township                      | Willow and Maiden Creeks<br>CWF   |
| ESCP0509801             | William Brett<br>Texas Eastern Transmission, LP<br>890 Winter Street<br>Watham, MA 02451                | Bedford       | Harrison and Cumberland Valley Townships | UNT to Little Wills Creek—Milligan Run—UNT to Milligan Run—UNT to Evitts Creek<br>HQ-CWF-WWF-HQ |
| PAI033808001            | Department of Transportation<br>Attn Michael C. Keiser<br>2140 Herr Street<br>Harrisburg, PA 17103-1699 | Lebanon       | Heidelberg Township                      | UNT to Hammer Creek<br>HQ-CWF   |

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>            |
|-------------------------|---|---------------|---------------------|---------------------------------------|
| PAI041709003            | Clearfield-Lawrence Joint Airport Authority<br>801 Airport Road<br>Clearfield, PA 16830 | Clearfield    | Lawrence Township   | Lick Run<br>HQ-CWF<br>Wolf Run<br>CWF |

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>    |
|-------------------------|--|---------------|---------------------|-------------------------------|
| PAI051108001            | Michael E. Walsh<br>Munster Holdings, LLC<br>796 Unionville Road<br>Prospect, PA 16052 | Cambria       | Munster Township    | UNT to Noel's Creek<br>HQ-CWF |

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## **VII. List of NOIs for NPDES and/or Other General Permit Types**

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|        |   |
|--------|---|
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs)                          |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

## **STATE CONSERVATION COMMISSION**

### **NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### NUTRIENT MANGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

| <i>Agricultural Operation<br/>Name and Address</i>            | <i>County</i> | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units</i> | <i>Animal<br/>Type</i> | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Renewal/New</i> |
|---|---------------|------------------------|--|------------------------|---|--------------------|
| Weiler Farms 1<br>350 East Mill Avenue<br>Myerstown, PA 17067 | Lebanon       | 113.8                  | 603.04                                 | Swine                  | NA  | Renewal            |
| Weiler Farms 3<br>Box 4418 Ridge Road<br>Jonestown, PA 17038  | Lebanon       | 27.3                   | 904.56                                 | Swine                  | HQ  | Renewal            |

#### PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### SAFE DRINKING WATER

##### Applications Received under the Pennsylvania Safe Drinking Water Act

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

##### Application No. 1509505, Public Water Supply.

|                           |   |
|---------------------------|---|
| Applicant                 | <b>Pennsylvania American Water Company</b>  |
| Township                  | West Caln   |
| County                    | <b>Chester</b>  |
| Responsible Official      | David Kaufmann<br>800 West Hersheypark Drive<br>Hershey, PA 17033                 |
| Type of Facility          | PWS   |
| Consulting Engineer       | Gannett Fleming, Inc.<br>P. O. Box 67100<br>Harrisburg, PA 17106-7100             |
| Application Received Date | May 18, 2009  |
| Description of Action     | Expansion of the existing Rock Run Water Treatment Plant from 5.0 mgd to 7.0 mgd. |

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### Permit No. 3609506, Public Water Supply.

|              |                          |
|--------------|--------------------------|
| Applicant    | <b>City of Lancaster</b> |
| Municipality | Manheim Borough          |
| County       | <b>Lancaster</b>         |

Responsible Official Charlotte Katzenmoyer  
Public Works Director  
120 North Duke Street  
Lancaster, PA 17608-1559

Type of Facility Public Water Supply

Consulting Engineer Matthew D. Warfel  
The ARRO Group, Inc.  
270 Granite Run Drive  
Lancaster, PA 17601-6804

Application Received June 4, 2009

Description of Action Construction of the Northwest Pump Station (with chlorine booster system) and associated suction piping and transmission main.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 3009502, Resubmittal**, Public Water Supply.

Applicant **East Dunkard Water Association**  
P. O. Box 241  
SR 88  
Dilliner, PA 15327

Township or Borough Dunkard Township

Responsible Official Barry K. Bennett, Manager  
East Dunkard Water Association  
P. O. Box 241  
SR 88  
Dilliner, PA 15327

Type of Facility Water treatment plant

Consulting Engineer Dakota Engineering Associates, Inc.  
Etna Technical Center  
Suite 200  
35 Wilson Street  
Pittsburgh, PA 15223

Application Received Date March 31, 2009

Description of Action Replacement of an 800 gpm water filtration unit, replacement of existing water intake and high service pumps and replacement of three water booster stations, replacement of three water storage tanks and increasing the size of waterlines.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 2509502**, Public Water Supply.

Applicant **Country Gables Apartments**

Township or Borough Girard Township  
**Erie County**

Responsible Official Gina Carpenter, Owner

Consulting Engineer Steven R. Halmi, P. E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date June 15, 2009

Description of Action Permit process for existing unpermitted PWS serving apartment complex. Action to include Well No. 1 as source of supply, treatment by disinfection and the distribution system.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator



at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Montgomery County Community College**, Pottstown Borough, **Montgomery County**. Greg Fireley, Malcolm Pirnie, Inc., 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Dean Foster, Montgomery County Community College, 101 College Drive, Pottstown, PA 19464 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of lead and inorganics. The future use of the site will remain the same.

**1340 East Philadelphia Avenue**, Douglass Township, **Montgomery County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Kurt Davidheiser, Davidheiser Property Management, LLC, 138 Keller Road, Barto, PA 19054 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with release of No. 2 fuel oil. The future use of the site is the continued mixed commercial and residential use.

**Yost Property**, New Britain Borough, **Bucks County**. Don Coleman, P. G., Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, Rob Self, Jr., Self Heating & Cooling, Inc., 219 Keith Valley Road, Horsham, PA 19014 on behalf of Katherine Yost, 43 Evergreen Drive, New Britain, PA 18901 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil.

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Maroon Residence**, 7 Joni Drive, Spring Brook Township, **Lackawanna County**. James Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Notice of Intent to Remediate (on behalf of his client, Thomas Maroon, 7 Joni Drive, Moscow, PA 18444), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Williamsport Terminal (Former Atlantic Terminal)**. Armstrong Township, **Lycoming County**. Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19320 on behalf of Sunoco, Inc. (R & M), 1109 Milton Avenue, Syracuse, NY 13204 has submitted a Notice of Intent to Remediate soil and groundwater contaminated

with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Site-Specific Standard. There will be no change to the use of the properties.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0024E: McNeil Consumer Healthcare** (7050 Camp Hill Road, Fort Washington, PA 19034-2210) for re-activation of a Glatt 60 Fluid Bed Processor in Whitmarsh Township, **Montgomery County**. This process has a potential to emit less than 1 tpy of VOC and less than 1 tpy of PM<sub>10</sub>. The facility shall continue to remain a synthetic minor. The plan approval includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**58-329-008: Tennessee Gas Pipeline Co.** (P. O. Box 2511, S1102A, Houston, TX 77252-2511) for construction of new gas turbines/generator at their facility in Clifford Township, **Susquehanna County**.

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**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**53-00001D: Tennessee Gas Pipeline Co.** (1001 Louisiana Street, P. O. Box 2511, Houston, TX 77252-2511) for installation of an oxidation catalyst on an existing reciprocating internal combustion engine at Station 313 in Hebron Township, **Potter County**. The respective facility is a major facility for which a Title V operating permit 53-000001 has been issued.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the installation of the oxidation catalyst meets all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the installation of an oxidation catalyst. Additionally, if the Department determines that the respective control device is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 53-000001 by means of an administrative amendment under 25 Pa. Code § 127.450.

All applicable regulatory requirements relating to fugitive, visible and malodorous emissions standards and additional requirements regarding malfunctions, testing, monitoring, recordkeeping and reporting have been included in the proposed plan approval. In addition to the previous requirements, the following is a list of conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

Under 25 Pa. Code § 127.12b, the permittee shall perform NO<sub>x</sub> and CO stack tests upon source ID P111 within 180 days from the commencement of operation of control device ID C111 to determine NO<sub>x</sub> and CO emissions from control device ID C111 associated with source ID P111.

The performance test shall consist of three separate test runs and each run shall last at least in 1 hour in duration.

The testing of the inlet and outlet of control device ID C111 shall be running simultaneously.

The inlet gas temperature of control device ID C111 and pressure drop across control device ID C111 shall be recorded on a continuous basis during the test. The requirement for the inlet gas temperature range and pressure drop range will be established based upon the recorded data and stack test report.

If the pressure drop (1-hour average basis) across the catalyst (control device ID C111) increases above a value determined by an engineering assessment and the recorded pressure drop data taken during testing, the permittee shall produce and keep record of the investigation the permittee is required to conduct to determine if the catalyst (control device ID C111) requires maintenance, cleaning, replacement, and the like and other measures taken to address the pressure drop increase.

All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while source ID P111 is operating at +/- 10% of full load.

1. Under 25 Pa. Code § 127.12b, the permittee shall equip control device ID C111 with instrumentation to monitor pressure drop across control device ID C111 and the inlet gas temperature of control device ID C111 and shall monitor these parameters on a continuous basis.

2. Under 25 Pa. Code § 127.12b, the permittee shall keep records of the following information:

(1) The number of hours that source ID P111 is operated on a monthly basis.

(2) The test report and/or supporting calculations used to verify compliance with the NO<sub>x</sub>, PM and SO<sub>x</sub> emissions limitations for Source ID P111.

(3) Four-hour averages of the inlet temperature of control device ID C111.

(4) One-hour averages of the pressure drop across control device ID C111.

(5) The analysis reports of the investigations conducted when the pressure drop increased above the established limit based upon pressure drop data collected during testing.

(6) The date and the total hours of operation of source ID P111 at the time of the catalyst replacement and/or cleaning.

(7) The manufacturer's recommended time line and frequency of catalyst replacement and/or cleaning.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

3. Under 25 Pa. Code § 127.12b, the permittee shall construct and operate control device ID C111 in accordance with the manufacturer's specifications and good air pollution control practices. The permittee shall follow the manufacturer's recommended timeline and frequency for catalyst replacement and cleaning.

4. Under 25 Pa. Code § 127.12b, the CO emissions from source ID P111 shall be controlled by an oxidation catalyst (control device ID C111). The permittee shall not operate source ID P111 without the simultaneous operation of control device ID C111.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

**18-00026A: First Quality Products, Inc.** (Clinton County Industrial Park, 121 North Road, McElhatten, PA 17748-0270) for the construction of a Fameccanica FIU underpad machine (Line 33) in Wayne Township, **Clinton County**.

The Department of Environmental Protection's (Department) review of the information submitted by First Quality Products, Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the PM emission limitation of 25 Pa. Code § 123.13, the visible emission limitation of 25 Pa. Code § 123.41 and the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the Fameccanica FIU underpad machine will not exceed 0.01 ton of PM10 and 1.48 tons of VOCs per year. The total combined emission from all sources at this facility will not exceed the following limits in any 12-consecutive month period: NOx-8.61 tons; CO-6.68 tons; VOCs-18.30 tons; PM10-0.72 ton; VHAPs-2.5 tons.

In addition to the emission limitations, the following includes the types of conditions the Department intends to place in the plan approval to ensure compliance with all applicable regulatory requirements including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission and material usage restrictions to limit the emission of PM10 and VOCs.

Control of PM10 emissions from the underpad machine by installation of a three-stage filter system.

Work practice requirements to install and operate the source and control device with good air pollution control practices.

Recordkeeping and reporting requirements to verify compliance with the emission limitations and all permitting requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**10-359A: Rex Energy 1, LLC** (476 Rolling Ridge Drive, Suite 300, State College, PA 16801) for installation of a natural gas stripping plant at their facility in Forward Township, **Butler County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 10-359A to Rex Energy 1, LLC for the installation of a natural gas stripping plant at their facility located at 736 Prospect Road, Forward Township, Butler County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-359A is for the installation of a 5.0 mmCF/day capacity natural gas stripping plant, consisting of three compressor engines, a processing skid, and a 1.5 mmBtu/hr glycol reboiler. Based on the information provided by the applicant and the Department's own analysis, the proposed facility will have the potential to emit approximately 26.15 tons of CO, 32.76 tons of NOx and 11.64 tons of VOCs per year.

The Plan Approval will contain additional testing, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The facility will also be subject to the requirements of New Source Performance Standards, 40 CFR Part 60, Subpart KKK, for Onshore Natural Gas Processing Plants.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 10-359A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

**20-145B: Pittsburgh Glass Works, LLC** (Kebert Industrial Park, Meadville, PA 16335), for the installation of replacement burners at their facility in Greenwood Township, **Crawford County**. This is a Title V facility.

Notice is hereby given under 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue Plan Approval 20-145B to Pittsburgh Glass Works, LLC for the installation of replacement burners at their facility located in Kebert Industrial Park, Greenwood Township, Crawford County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 20-145B is for the installation of 32 replacement burners associated with Glass Furnace No. 2 (Source ID No. 102). Based on the information provided by the applicant and the Department's own analysis, the proposed installation will result in no increase in emissions from this source.

The Plan Approval will contain additional testing, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 20-145B.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

**61-191B: Seneca Printing & Label, Inc.** (1642 Debence Drive, Franklin, PA 16323), for the installation of five flexographic printing presses at their facility in Sandy Creek Township, **Venango County**.

Notice is hereby given under 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue Plan Approval 61-191B to Seneca Printing & Label, Inc. for the installation of five flexographic printing presses at their facility located at 1642 Debence Drive, Sandy Creek Township, Venango County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 61-191B is for the installation of five flexographic printing presses. Based on the information provided by the applicant and the Department's own analysis, the proposed presses will have the potential to emit approximately 17 tons of VOCs per year. However, the Plan Approval will not increase the facility's current facility-wide limit of 49.5 tons of VOC emissions per year.

The Plan Approval will contain additional recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 61-191B.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

## PLAN APPROVAL

### PUBLIC HEARINGS

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, 17-705-4702.*

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104, Edward  
Braun, Chief, (215) 685-9476.*

**Intent to Issue Operating Permits under the Air  
Pollution Control Act (35 P.S. §§ 4001—4015) and  
25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main  
Street, Norristown, PA 19428, Janine Tulloch-Reid, Facili-  
ties Permitting Chief, (484) 250-5920.*

**23-00055: Cheyney University** (1837 University Circle, Cheyney, PA 19319) for operation of one No. 2 fuel oil steam boiler, with rated heat input capacity of 56.0 mmBtu/hr, two dual-fired natural gas, No. 2 fuel oil steam boiler, with a rated heat input capacities of 24.0 and 56.0 mmBtu/hr, respectively, two hot water boilers, one 285 kW, No. 2 fuel oil-fired emergency generator, three other emergency generators and several other combustion sources in Thornbury Township, **Delaware County**. This action is a renewal of the State-only Operating Permit. The initial permit was issued on August 12, 2004. The permit is for a non-Title V Facility (State-only) facility. The facility's potential to emit criteria pollutants is greater than major thresholds without restrictions or limitations; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909  
Elmerton Avenue, Harrisburg, PA 17110, William R.  
Weaver, New Source Review Chief, (717) 705-4702.*

**06-03010: Brenntag Northeast** (Pottsville Pike and Huller Lane, P. O. Box 13788, Reading, PA 19612-3788) for operation of their Reading (Huller Lane) chemical distribution facility in Ontelaunee Township, **Berks County**. This is a renewal of the State-only operating permit issued in September 2004.

**06-03012: Brenntag Northeast** (Pottsville Pike and Huller Lane, P. O. Box 13788, Reading, PA 19612-3788) for operation of their Leesport (Snyder Road) chemical distribution facility in Ontelaunee Township, **Berks County**. This is a renewal of the State-only operating permit issued in August 2004.

**21-05035: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001) for operation of their Locust Point Facility in Silver Spring Township, **Cumberland County**. The facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Sources addressed by Operating Permit No. 21-03035 will be incorporated into this operating permit. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**21-05036: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001) for operation of their Camp Hill Facility in Lower Allen Township, **Cumberland County**. The facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Sources addressed by Operating Permit No. 21-03022 will

be incorporated into this operating permit. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**22-05033: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001) for operation of their Steelton Facility in Steelton Borough, **Dauphin County**. The facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Sources addressed by Operating Permit No. 22-03020 will be incorporated into this operating permit. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**67-05101: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405) for operation of their Global Stone Drum Mix Asphalt Plant in West Manchester Township, **York County**. The drum mix asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2004.

*Northcentral Region: Air Quality Program, 208 West  
Third Street, Williamsport, PA 17701, David Aldenderfer,  
Program Manager, (570) 327-3637.*

**53-00010: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) for issuance of a State-only operating permit for operation of their facility in Portage Township, **Potter County**. The facility's main sources include two 720 brake horsepower (bhp) natural gas-fired compressor engines, one 45 bhp (35 kW) natural gas-fired auxiliary generator, ten natural gas-fired space heaters with a total combined heat input rating of 2.0 mmBtu/hr, one 270-gallon oil storage tank, and one 1,882-gallon waste fluid storage tank. The facility has the potential to emit SO<sub>x</sub>, CO, NO<sub>x</sub>, PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The Department of Environmental Protection intends to issue State-only Operating Permit 53-00010. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public  
Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New  
Source Review Chief, (570) 826-2507.*

**40-399-065: Vita-Line Products, Inc.** (111 North Park Drive, Humboldt Industrial Park, Hazleton, PA 18202) for construction of a pet food manufacturing process for their facility to be in Hazle Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Vita-Line Products, Inc. (111 North Park Drive, Humboldt Industrial Park, Hazleton, PA 18202) for their facility to be located in Hazle Township, Luzerne County. This Plan Approval No. 40-399-065 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-399-065 is for the construction of a pet food manufacturing process. Particulate emissions will not exceed 0.02 gr/dscf. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions will be controlled by the use cyclones and baghouses. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No. 40-399-065.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—

1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality

standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

| <i>Parameter</i>                             | <i>Table 1</i>            |                                 |                                  |
|--|---------------------------|---------------------------------|----------------------------------|
|  | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
| Iron (Total)                                 | 1.5 to 3.0 mg/l           | 3.0 to 6.0 mg/l                 | 3.5 to 7.0 mg/l                  |
| Manganese (Total)                            | 1.0 to 2.0 mg/l           | 2.0 to 4.0 mg/l                 | 2.5 to 5.0 mg/l                  |
| Suspended solids                             | 10 to 35 mg/l             | 20 to 70 mg/l                   | 25 to 90 mg/l                    |
| Aluminum (Total)                             | 0.75 to 2.0 mg/l          | 1.5 to 4.0 mg/l                 | 2.0 to 5.0 mg/l                  |
| pH <sup>1</sup>                              |                           | greater than 6.0; less than 9.0 |                                  |
| Alkalinity greater than acidity <sup>1</sup> |                           |                                 |                                  |

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**30940701 and NPDES Permit No. PA0215465, Coresco, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the Refuse Dump No. 4 in Monongahela Township, **Greene County** to add 34.05 refuse disposal acres and add alkaline to the site and revise the related NPDES permit to add two stormwater discharge outlets. Coal Refuse Disposal Acres Proposed 34.05. Receiving stream: Monongahela River, classified for the following uses: WWF, N. The first downstream potable water supply intake from the point of discharge is Dunkard Valley Water Authority and intake Monongahela River. Application received December 22, 2008.

**32061301 and NPDES Permit No. PA0235679, Parkwood Resources, Inc.**, (511 Railroad Avenue, Homer City, PA 15748), to revise the permit for the Starford Mine in Greene Township, **Indiana County** to add subsidence control plan area acres and delete 113.1 underground permit area acres. Subsidence Control Plan Acres Proposed 426.5. No additional discharges. Application received April 14, 2009.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**11773037 and NPDES No. PA0069159. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, revision of an existing bituminous surface mine to change the land use, on several properties, at the request of the landowners, from forestland, cropland, pastureland, and/or land occasionally cut for hay to wildlife habitat, pastureland and/or land occasionally cut for hay in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving streams: UNTs to and Little Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 4, 2009.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**16990104 and NPDES Permit No. PA0241563. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Porter Township, **Clarion County** affecting 208.5 acres. Receiving streams: Two UNTs to Leatherwood Creek; One UNT to West Fork to Leatherwood Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 8, 2009.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17090105 and NPDES No. PA0257150. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface auger mine in Bradford Township, **Clearfield County**, affecting 46.2 acres. Receiving stream: tributary to Roaring Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 2, 2009.

**17813091 and NPDES No. PA0127230. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for the continued operation and restoration of a bituminous surface mine in Graham and Morris Townships, **Clearfield County**, affecting 196.3 acres. Receiving streams: UNTs to Alder Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 22, 2009.

**17030107 and NPDES No. PA0243485. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830), permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 50.2 acres. Receiving streams: UNT to Moose Creek and Moose Creek to West Branch Susquehanna, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. The applicant has

requested revision of the baseline pollution load for preexisting (Subchapter F) discharges 33, 36, 37, 39 and 44. Application received February 13, 2009.

**17020112 and NPDES No. PA0243337. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Decatur Township, **Clearfield County**, affecting 228.0 acres. Receiving streams: Big Run and Shimel Run and UNT "A," all to Moshannon Creek, classified for the following use: CWF. Application received June 2, 2009.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**35090101. Maco Associates, Inc.,** (400 Mill Street, Dunmore, PA 18512), commencement, operation and restoration of an anthracite surface mine and coal refuse reprocessing operation in Fell Township, **Lackawanna County** affecting 1,700 acres, receiving streams: Wilson Creek and Lackawanna River, classified for the following use: CWF. Application received May 22, 2009.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

| <i>Parameter</i>                     | <i>30-day<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|--------------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids                     | 10 to 35 mg/l             | 20 to 70 mg/l                   | 25 to 90 mg/l                    |
| Alkalinity exceeding acidity*<br>pH* |                           | greater than 6.0; less than 9.0 |                                  |

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**01092801, Gettysburg Granite LLC,** 31 Center Mills Road, Aspers, PA 17304, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Mt. Joy Township, **Adams County**, affecting 5 acres, receiving streams: UNT to Rock Creek. Application received June 2, 2009.

**32092801, Pioneer Oil & Gas Field Services, LP,** P. O. Box 368, Elderton, PA 15736, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Young Township, **Indiana County**, affecting 5.0 acres, receiving stream: Gobblers Run. Application received June 4, 2009.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**09890301C17 and NPDES Permit No. PA0594466. Naceville Materials,** 6100 Easton Road, Pipersville, PA 18947, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Rockhill Township, **Bucks County**, receiving stream: UNT to Ridge Valley Creek, classified for the following use: TSF. Application received May 26, 2009.

**7475SM4C6 and NPDES Permit No. PA0121592. Essroc Cement Corporation,** (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth Township, **Northampton County**, receiving stream: UNT to East Branch Monocacy Creek, classified for the following use: HQ-CWF. Application received May 27, 2009.

**PA0224197. Stoudt's Ferry Preparation Co., Inc.,** (P. O. Box 297, St. Clair, PA 17970), renewal of NPDES Permit for the Commonwealth, Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Schuylkill River Project in Upper Providence Township, **Montgomery County**, receiving stream: Schuylkill River, classified for the following use: CWF. Application received May 28, 2009.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water



Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E66-144. Wyoming County Conservation District, 1 Hollowcrest Complex, Tunkhannock, PA 18657, in Tunkhannock Borough, Wyoming County, United States Army Corps of Engineers, Baltimore District.**

To construct and maintain an 360-foot-long stream channel restoration project in Swale Brook (CWF) consisting of the following work: two logs cross vanes, log vanes with floodplain stabilization sills, live crib walls, one terrace fill area, two graded bankfull floodplain areas, biostabilization planting's, excavation and backfill in various areas of the channel and embankments and reestablishing the width and alignment of the historical stream channel. The project begins approximately 1,200 feet upstream from where Swale Brook intersects SR 0029 and extends upstream from that point for approximately 360 linear feet (Tunkhannock, PA Quadrangle Latitude: 41° 32' 33.9"; Longitude: 75° 56' 51.5").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E36-857: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, Mount Joy Township, Lancaster County, United States Army Corps of Engineers, Baltimore District.**

The applicant proposes to: (1) construct and maintain a 33.5-foot long by 26.0-foot wide single span conspan arch culvert with a 24.0-foot clear span and 4.9-foot underclearance carrying SR 4010, Segment 0070, Offset 0430 over a UNT to Little Chickies Creek (TSF); (2)

permanently fill 0.01 acre of PEM wetlands for road fill; and (3) temporarily affect 0.01 acre of PEM wetlands for temporary cofferdam construction, approximately 100 feet upstream of the former Risser Mill covered bridge in Mount Joy Township, Lancaster County (Elizabethtown, PA Quadrangle Latitude: 40° 8' 23" N; Longitude: 76° 30' 21" W, North: 2.7 inches; West: 0.8 inch) for the purpose of realigning SR 4010 and reestablishing the intersection of Mount Pleasant Road with Risser Mill Road.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-522. Amos K. Riehl, 236 Madisonburg Pike, Madisonburg, PA 16852. Water Line Crossing, in Miles Township, Centre County, United States Army Corps of Engineers, Baltimore District (Madisonburg, PA Quadrangle N: 40° 55' 52.4"; W: 77° 31' 15.0").**

To construct and maintain a 3/4-inch diameter waterline in a 2-inch steel casing 18 inches in a UNT to Elk Creek, located 150 feet southeast of the southeast corner of Amos K. Riehl's house. The waterline is for a proposed barn to be built out of the floodway and not in wetlands. This project impacted 3 feet of the UNT of Elk Creek, which is classified as a EV waterway.

**E14-523. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. Kirstyn Lane Drainage Improvements, in Worth Township, Centre County, United States Army Corps of Engineers, Baltimore District (Port Matilda, PA Quadrangle N: 40° 49' 14"; W: 78° 1' 7").**

To construct and maintain: 1) a 950 foot long rock-lined interceptor ditch; 2) a 29-inch by 45-inch elliptical reinforced concrete pipe with a Type D-E modified headwall, a Type D-W endwall and R-6 rock outlet apron to replace an existing 18-inch diameter corrugated plastic; and 3) removal of three small existing cross pipes under Kirstyn Lane that will not be needed with the new interceptor ditch, located 350 feet west of the intersection of Kirstyn Lane and SR 322. This project proposes to impact 0.02 acre of wetlands and result in the loss of 172.4 feet of intermittent channels in the Cold Water drainage area of Bald Eagle Creek.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1613. Adventure Development, LLC, 102 West Anderson Street, Selma, NC 17576-5561. To place and maintain fill of wetlands and stream enclosure in McCandless Township, Allegheny County, United States Army Corps of Engineers, Pittsburgh District (Emsworth, PA Quadrangle N: 12.0 inches; W: 3.7 inches, Latitude: 40° 33' 58"; Longitude: 80° 01' 36"). The applicant proposes to place and maintain fill in 0.07 acre of wetlands, to construct and maintain a 425.0 foot long stream enclosure in a UNT to Little Pine Creek (UNT 2), to construct and maintain a 300 foot long stream enclosure in a UNT to Little Pine Creek (UNT 3) and to construct and maintain a 395.0 foot long stream enclosure in a UNT to Little Pine Creek (UNT 4) for the purpose of constructing a retail and office building development known as McCandless Crossing, and extending Duncan Avenue. The project is located on the west side of McKnight Road Extension, just southwest from the intersection of McKnight Road Extension and Cumberland Road and will impact 1,120 linear feet of stream channel and 0.07 acre of wetlands.**

**E04-328. Richard Jericho**, 130 Chiccarello Drive, Clinton, PA 15026. To construct and maintain outfall structure in Hanover Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Burgettstown, PA Quadrangle N: 20.7 inches; W: 4.75 inches, Latitude: 40° 29' 17"; Longitude: 80° 24' 33"). The applicant proposes to construct and maintain a 4 foot by 3 foot wide outfall structure on the right bank of a UNT to Traverse Creek (HQ-CWF) for the purpose of replacing an onlot septic system. The project is located approximately 250.0 feet downstream from Chiccarello Drive.

**E30-228. Department of Transportation, District 12-0**, 825 North Gallatin Avenue Extension, Uniontown, PA 15401-2105. To remove and construct a new bridge in Center Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Rogersville, PA Quadrangle N: 1.75 inches; W: 8 inches, Latitude: 39° 52' 59"; Longitude: 80° 18' 24.3"). The applicant proposes to remove the existing 31' wide, 53.5' span, SR 21 bridge and to construct and maintain a new 35.5' wide bridge having a span of 53.5 and underclearance of 9.1' over the South Fork of Tenmile Creek (HQ-WWF); to construct and maintain associated outfalls, and construct temporary stream diversion and causeways. The work is associated with the proposed roadway improvements to SR 21. The new bridge is located approximately 65' upstream of the existing bridge. To compensate for the stream impacts the applicant will construct and maintain a fish habitat structure at the site of the existing bridge.

**E32-490. EME Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748-9558. To place and maintain fill in wetland in Blacklick and Center Townships, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (Indiana, PA Quadrangle: N: 4.7"; W: 12.0", Latitude: 40° 31' 12"; Longitude: 79° 12' 39"). The applicant proposes to place and maintain fill in 0.099 acre of wetland in the Blacklick and Muddy Creeks basins (CWF) for the purpose of expanding a waste disposal area. To mitigate for these impacts, the applicant proposed to make a contribution to the wetland replacement fund.

**E63-614. California University of PA**, 250 University Avenue, California, PA 15419. To construct and maintain an improvement project in the floodplain in California Borough, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (California, PA Quadrangle N: 11.75 inches; W: 0.9 inch, Latitude: 40° 3' 53.87"; Longitude: 79° 52' 52.75"). The applicant proposes to construct and maintain an improvement project in the floodplain of Monongahela River (WWF). The project consists of widening of the Riverview Drive, and extension of the River Parking Lot. The project is located within the Campus of the California University of Pennsylvania.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E25-729. Corry Memorial Hospital Association**, 612 West Smith Street, Corry, PA 16407. Corry Memorial Hospital, in the City of Corry, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Columbus, PA Quadrangle N: 41° 56' 12.5"; W: 79° 36' 50.2").

The applicant proposes to construct and maintain a 80,000 square foot hospital building and associated parking and infrastructure at the northern terminus of Shady Avenue Extension involving: 1) to fill 0.845 acre of PEM wetlands, 0.03 acre of PSS/PEM wetlands and 0.001 acre

of PFO/PEM wetland; 2) to fill 0.38 acre of a 0.65 acre pond; 3) to construct and maintain a 100-foot long, 20-foot wide by 7-foot high precast concrete Con Span arch culvert in a UNT to Hare Creek; 4) to construct a temporary road crossing of a UNT Hare Creek; 5) to construct and maintain a 0.90 acre wetland mitigation area, two streambank stabilization areas (as watercourse mitigation) having lengths of 50 feet each and to establish a conservation instrument and buffer area (as mitigation for pond impacts); and 6) to construct and maintain various associated stormwater outfalls and utility line crossings. UNT Hare Creek is a perennial stream classified as a CWF. The project proposes to directly impact 0.876 acre of wetland, 0.38 acre of open water and 100 linear feet of perennial watercourse.

**E61-287. Department of Transportation, District 1-0**, SR 0322, Section A01, Halls Run Realignment, in Cranberry Township, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Cranberry, PA Quadrangle N: 41° 20' 43"; W: 79° 41' 48").

To conduct the following activities associated with the realignment of approximately 0.8 mile of SR 0322, Segment 0450, Offset 0121 to Segment 0470, Offset 1909 approximately 0.5 mile east of SR 257:

1. Construct and maintain a 221-foot long concrete arch stream enclosure having a clear span of 36 feet and a maximum underclearance of 14.75 feet in Halls Run (CWF, WT).

2. Remove an existing driveway culvert and to construct and maintain a 97-foot long concrete box culvert having a 12-foot wide by 4-foot high waterway opening (5-foot high box w/1-ft depressed invert and baffles) in a tributary to Halls Run (CWF, WT).

3. To realign a tributary to Halls Run (channel 5) along the south side of the proposed roadway having a contributory drainage area less than 100 acres and a length of approximately 450 feet.

4. To realign a tributary to Halls Run (channel 14) along the north side of the proposed roadway having a contributory drainage area less than 100 acres and a length of approximately 775 feet.

5. To construct a temporary construction access crossing of Halls Run consisting of a single-span bridge upstream of the proposed concrete arch enclosure.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D28-012EA. Richard Shoop**, 13278 Stonewall Road, Shippensburg, PA 17257-9138. Southampton Township, **Franklin and Cumberland Counties**, United States Army Corps of Engineers, Baltimore District. Project proposes to breach and remove Lower Dam across Middle Spring Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,200 feet of stream channel. The dam is located approximately 1,000 feet southwest of the intersection of Middle Spring Road (T334) and Fish Hatchery Road (T304) (Shippensburg, PA Quadrangle Latitude: 40° 04' 45"; Longitude: 77° 03' 34").

## ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY  
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i>                            |
|-----------------|-------------------------|--|
| Section I       | NPDES                   | Renewals   |
| Section II      | NPDES                   | New or amendment   |
| Section III     | WQM                     | Industrial, sewage or animal wastes; discharges to groundwater |
| Section IV      | NPDES                   | MS4 individual permit  |
| Section V       | NPDES                   | MS4 permit waiver  |
| Section VI      | NPDES                   | Individual permit stormwater construction                      |
| Section VII     | NPDES                   | NOI for coverage under NPDES general permits                   |

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### **I. NPDES Renewal Permit Actions**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

| <i>NPDES No.<br/>(Type)</i>           | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|---------------------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0031267<br>(Nonmunicipal<br>Sewage) | Tri-Valley School District<br>Hegins-Hubley Elementary<br>School<br>110 West Main Street<br>Valley View, PA 17983-9475 | Schuylkill County<br>Hegins Township | Pine Creek<br>06C                    | Y                           |

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                            | <i>County &amp;<br/>Municipality</i>             | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--|--------------------------------------|-----------------------------|
| PA0086908<br>(Sew)          | Middle Creek Bible Conference<br>P. O. Box 1<br>Cascade, MD 21719 | Adams County<br>Freedom and Liberty<br>Townships | Middle Creek<br>13-D                 | Y                           |

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|---|--------------------------------------|-----------------------------|
| PA0030911<br>(Sew)          | Eastern Lancaster County<br>School District<br>P. O. Box 609<br>New Holland, PA 17557 | Lancaster County<br>Caernarvon Township | Conestoga River<br>7-J               | Y                           |

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>   | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|--|--|--------------------------------------|---------------------------|
| PA0096989<br>Sewage         | Kuntz Associates, Inc.<br>4146 Route 217 Highway North<br>Blairsville, PA 15717-5069             | Indiana County<br>Armstrong Township   | UNT of Curry Run                     | Y                         |
| PA0097713<br>Sewage         | Maronda Foundation<br>601 Flaugherty Run Road<br>Coraopolis, PA 15108                            | Allegheny County<br>Findlay Township   | UNT of Flaugherty Run                | Y                         |
| PA0204927<br>Sewage         | Barr Area Municipal Authority<br>P. O. Box 236<br>Nicktown, PA 15762                             | Cambria County<br>Barr Township        | Hoppel Run                           | Y                         |
| PA0205869<br>Sewage         | West Branch Sewer Authority<br>901 Maple Avenue<br>Suite 2<br>Northern Cambria, PA<br>15714-1331 | Cambria County<br>Susquehanna Township | West Branch<br>Susquehanna River     | N                         |
| PA0033642<br>Sewage         | West Greene School District<br>1367 Hargus Creek Road<br>Waynesburg, PA 15370                    | Greene County<br>Gray Township         | Grays Fork                           | Y                         |
| PA0032271<br>Sewage         | Bureau of State Parks<br>Keystone State Park<br>1150 Keystone Park Road<br>Derry, PA 15627-3679  | Westmoreland County<br>Derry Township  | McCune Road                          | Y                         |
| PA0090638<br>Sewage         | White Township Municipal<br>Authority<br>950 Indian Springs Road<br>Indiana, PA 15701            | Indiana County<br>White Township       | UNT of Two Lick Creek                | Y                         |

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0221325                   | Abbey Woods Development<br>172 Saint Ives Way<br>Zelienople, PA 16063 | Jackson Township<br>Butler County    | UNT to Brush Creek<br>20-C           | Y                           |

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0020508**, Sewage, **McConnellsburg Sewerage Authority**, P. O. Box 681, McConnellsburg, PA 17233. This proposed facility is located in Ayr Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to Big Cove Creek in Watershed 13-B.

**General Permit No. PAG053532**, Groundwater Cleanup, **Sunoco, Inc.** (R & M), 350 Eagleview Boulevard, Suite 300, Exton, PA 19341. This facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Cancellation of Permit (Former Sunoco 0003-7077).

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0027219-A1**, Sewage, **Greater Uniontown Joint Sewer Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401. This existing facility is located in North Union Township, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment issuance for rerating.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0023043**, Sewage, **North East Borough**, 31 West Main Street, North East, PA 16428. This proposed facility is located in North East Borough, **Erie County**.

Description of Proposed Action/Activity: New discharge of treated sewage from an existing facility.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 6788449, Amendment 09-1**, Sewage, **Fairview Township**, 599 Lewisberry Road, New Cumberland, PA 17070-2399. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction/operation of sewerage facilities consisting of: UV disinfection system addition to wastewater treatment plant.

**WQM Permit No. 3195402**, Sewage, **Orbisonia-Rockhill Joint Municipal Authority**, P. O. Box 346, Orbisonia, PA 17243. This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: Convert the existing dry well into additional wet well, install two new suction life pumps, construct a new 8-inch force main from the existing pump station to a new screen, convert the existing Contact Stabilization Unit No. 1 to Equalization Tank No. 2 and Contact Stabilization Unit No. 2 to sludge digester, construct two D-ditch oxidation systems to treat maximum monthly flow of 0.183 mgd, peak hourly flow of 1.07 mgd, and maximum monthly organic loadings of 347 lbs/day, and replace the existing chlorination with ultraviolet system.

**WQM Permit No. 0708404 09-1**, Sewage, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Amendment approval for the construction of sewerage facilities consisting of an in-line sludge holding tank and installation of a dual functioning centrifuge unit in the sludge handling area of the control building that can both thicken and dewater sludge. All six existing sludge pumps will be replaced with new sludge pumps. Also, construct one 120' diameter clarifier approved under Part II Permit No. 0708404. Second 120' diameter clarifier may be constructed if sufficient funds are available.

**WQM Permit No. 2209401**, Sewage, **Gratz Borough Municipal Authority**, 125 North Center Street, Gratz, PA 17030. This proposed facility is located in Gratz Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: Replacement of influent pumps and controls. Construction of two continuous sequencing batch reactors, four sludge pumps, UV disinfection, postaeration chamber and two aerobic digesters.

**WQM Permit No. 0108403**, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County**.

Description of Proposed Action/Activity: Application Withdrawn.

**WQM Permit No. 3609403**, Sewage, **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 787, Brownstown, PA 17507. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: A low pressure/grinder pump collection system to serve the Village of Talmage.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 6589410-A1**, Sewerage, **Ashbridge Oil Company, Inc.**, P. O. Box 5478, Johnstown, PA 15904. This existing facility is located in Donegal Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance for the installation and operation of a Cromaglass Sequencing Batch Reactor Unit and additional sand filter.

**WQM Permit No. 5685404-A1**, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622. This existing facility is located in Middlecreek Township, **Somerset County**.

Description of Proposed Action/Activity: Permit amendment issuance for the installation and operation of Tertiary Filters and related equipment.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. WQG018676**, Sewerage, **Amy Maglet**, 22070 Coe Road, Pleasantville, PA 16341-1404. This proposed facility is located in Oil Creek Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of a single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG028318**, Sewerage, **Summit Township Sewage Authority Erie County**, 8890 Old French Road, Erie, PA 16509-5459. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a general permit for construction of gravity collection sewer and a pump station to serve the proposed Cherry Hill Village residential development. The wastewater will ultimately be conveyed to the City of Erie Wastewater Treatment Facility.

**WQM Permit No. WQG018698**, Sewerage, **Alice Morris, Mary Chaklos Wasko Estate**, 2719 Laura Drive, Frederick, MD 21704-8032. This proposed facility is located in Cussewago Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a single-Residence Sewage Treatment Plant.

**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Permit Actions****V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

| NPDES Permit No. | Applicant Name & Address   | County  | Municipality         | Receiving Water/Use |
|------------------|--|---------|----------------------|---------------------|
| PAI011508077     | Holy Ascension Antiochian Orthodox Church<br>P. O. Box 921<br>Frazer, PA 19355 | Chester | Charlestown Township | Valley Creek EV     |

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

| NPDES Permit No. | Applicant Name & Address   | County     | Municipality             | Receiving Water/Use      |
|------------------|--|------------|--------------------------|--------------------------|
| PAI032109004     | Kiran Patel<br>44 Carlisle SM<br>One Associates, LP<br>44 Hersha Drive<br>Harrisburg, PA 17012 | Cumberland | South Middleton Township | Letort Spring Run HQ-CWF |

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Somerset County Conservation District, Somerset County AG Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.*

| NPDES Permit No. | Applicant Name & Address   | County   | Municipality   | Receiving Water/Use       |
|------------------|--|----------|--|---------------------------|
| PAI055608003     | Seven Springs Mountain Resort<br>777 Waterwheel Drive<br>Champion, PA 15622  | Somerset | Middlecreek Township<br>Somerset County<br>Saltlick Township<br>Fayette County | UNT to Blue Hole Creek EV |
| PAI055608005     | The Buncher Company<br>1300 Penn Avenue<br>Suite 300<br>Pittsburgh, PA 15222 | Somerset | Jefferson Township   | Kooser Run HQ-CWF         |

*Westmoreland County Conservation District, 211 Donohe Road, Greensburg, PA 15601, (724) 837-5271.*

| NPDES Permit No. | Applicant Name & Address  | County       | Municipality              | Receiving Water/Use    |
|------------------|---|--------------|---------------------------|------------------------|
| PAI056506003     | Willow Glenn Development Company<br>1383 Samantha Way<br>North Huntingdon, PA 15642 | Westmoreland | North Huntingdon Township | UNT Long Run HQ-TSF    |
| PAI056508002     | Maronda Homes, Inc.<br>202 Park West Drive<br>Pittsburgh, PA 15275                  | Westmoreland | North Huntingdon Township | UNT to Long Run HQ-TSF |

**VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

|       |  |
|-------|--|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities                            |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)  |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities                     |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities                         |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems  |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)       |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |

|             |  |
|-------------|--|
| PAG-8       | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage  |
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site  |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage  |
| PAG-10      | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines   |
| PAG-11      | (To Be Announced)  |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)   |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)  |

*General Permit Type—PAG-2**Facility Location:*

| <i>Municipality &amp; County</i>         | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>           | <i>Contact Office &amp; Phone No.</i>  |
|--|-------------------|--|--------------------------------------|--|
| East Penn Township<br>Carbon County      | PAG2001309004     | John Everitt<br>1368 Dieters Hill Road<br>Lehighton, PA 18235  | Tributary to<br>Lehigh River<br>CWF  | Carbon County<br>Conservation District<br>(610) 377-4894   |
| Smithfield Township<br>Monroe County     | PAG2004503003R    | ESSA Bank & Trust<br>Corp. Center<br>200 Palmer Street<br>P. O. Box L<br>Stroudsburg, PA 18360                 | Sambo Creek<br>CWF, MF               | Monroe County<br>Conservation District<br>(570) 629-3060   |
| Washington Township<br>Schuylkill County | PAG2005409006     | Clair R. Garman<br>31 Dad Burnhams Road<br>Pine Grove, PA 17963  | Lower Little<br>Swatara Creek<br>CWF | Schuylkill County<br>Conservation District<br>(570) 622-3742   |
| Palmer Township<br>Northampton County    | PAG2004804012R    | Palmer Township<br>Attn: Robert Anckaitis<br>P. O. Box 3039<br>Palmer, PA 18043                                | Tributary to<br>Lehigh River<br>CWF  | Northampton County<br>Conservation District<br>(610) 746-1971  |
| Swatara Township<br>Dauphin County       | PAG2002209017     | RVG Management &<br>Development, LLC<br>1000 North Front Street<br>Suite 500<br>Wormleysburg, PA<br>17043-1034 | Spring Creek<br>CWF                  | Dauphin County<br>Conservation District<br>1451 Peters Mountain<br>Road<br>Dauphin, PA 17018<br>(717) 921-8100                           |
| Cumru Township<br>Berks County           | PAG2000609018     | John Broadbent, Jr.<br>Chestnut Hills Farms<br>Company<br>One Chestnut Hill Drive<br>Mohnton, PA 19540         | Angelica Creek<br>CWF                | Berks County<br>Conservation District<br>1238 County Welfare<br>Road<br>Suite 200<br>Leesport, PA 19533-9710<br>(610) 372-4657, Ext. 201 |
| Spring Township<br>Berks County          | PAG2000609010     | Thomas and Carolyn<br>Holleran<br>1170 Cedar Hill Drive<br>Reading, PA 19605                                   | Cacoosing Creek<br>WWF               | Berks County<br>Conservation District<br>1238 County Welfare<br>Road<br>Suite 200<br>Leesport, PA 19533-9710<br>(610) 372-4657, Ext. 201 |
| Paradise Township<br>York County         | PAG2006709013     | Craig Peterson<br>Spring Run Partnership<br>205 East King Street<br>Abbottstown, PA 17301                      | Beaver Creek<br>WWF                  | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430                                      |
| Shrewsbury Township<br>York County       | PAG2006708088     | Sam Barbush<br>J.C. Bar Properties<br>3100 Market Street<br>Camp Hill, PA 17011                                | South Branch<br>Codorus Creek<br>WWF | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430                                      |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i>                                  | <i>Permit No.</i>    | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>   | <i>Contact Office &amp;<br/>Phone No.</i>   |
|--|----------------------|---|--|---|
| Springettsbury<br>Township<br>York County  | PAG2006703022-1      | Kinsley Equities II, LP<br>6259 Reynolds Mill Road<br>Seven Valleys, PA 17360   | Kreutz Creek<br>WWF  | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Hopewell Township<br>York County   | PAG2006709017        | Paul K. Miller<br>16098 Sawmill Road<br>Stewartstown, PA 17363  | UNT to Deer Creek<br>CWF   | York County Conservation<br>District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Glen Rock Borough<br>York County   | PAG2006709024        | Shelmas at Broad<br>Springs, LLC<br>20003 Hunt Pass Court<br>Parkton, MD 21120  | Glen Rock Valley<br>CWF  | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Windsor Township<br>York County  | PAG2006706109        | Timothy F. Pasch<br>2645 Carnegie Road<br>York, PA 17402  | Kreutz Creek<br>WWF  | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Dover Township<br>York County  | PAG2006709016        | Robert Krantz<br>Dover Area<br>School District<br>2 School Lane<br>Dover, PA 17315  | Little Conewago Creek<br>by means of Fox Run<br>TSF  | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Montour County<br>Mahoning Township  | PAG2004708006(1)     | Geisinger Health System<br>100 North Academy<br>Avenue Danville, PA<br>17822  | Sechlar Run<br>CWF   | Montour County<br>Conservation District<br>112 Woodbine Lane<br>Suite 2<br>Danville, PA 17821<br>(570) 271-1140 |
| Armstrong County<br>Bethel and Gilpin<br>Townships   | PAG2000309002<br>(1) | Kiski Junction<br>Railroad, Inc.<br>301 Market Street<br>Kittanning, PA 16201   | Allegheny River<br>WWF   | Armstrong County<br>Conservation District<br>(724) 548-3425   |
| Cambria County<br>Conemaugh,<br>Richland and<br>Stonycreek<br>Townships<br>City of Johnstown | PAG2001109010        | Pegasus Sewer Authority<br>1296 Clapboard Run<br>Road<br>Johnstown, PA 15904  | Falls Run,<br>Somomon and Clapboard<br>Runs<br>WWF<br>UNT Little<br>Conemaugh River<br>CWF | Cambria County<br>Conservation District<br>(814) 472-2120   |
| Indiana County<br>Black and Center<br>Townships  | PAG2003209007        | Indiana County<br>Municipal Services<br>Authority<br>c/o Michael Duffalo<br>602 Kolter Drive<br>Indiana, PA 15701             | Aultmans Run<br>TSF  | Indiana County<br>Conservation District<br>(724) 463-8547   |
| Indiana County<br>White Township   | PAG2003209010        | Department of General<br>Services<br>Bureau of Engineering &<br>Architecture<br>18th and Herr Streets<br>Harrisburg, PA 17125 | Two Lick Creek<br>Conemauth River<br>TSF   | Indiana County<br>Conservation District<br>(724) 463-8547   |
| Somerset County<br>Brothersvalley<br>Township  | PAG2005608012        | Fogle Mining, Inc.<br>Roland D. Fogle<br>P. O. Box 62<br>Berlin, PA 15530   | UNT to Buffalo Creek<br>and Stonycreek River<br>CWF  | Somerset County<br>Conservation District<br>(814) 445-4652  |



*Facility Location:  
Municipality &  
County*

| <i>Permit No.</i>  | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>                  | <i>Contact Office &amp;<br/>Phone No.</i>                    |
|--|---|---|--|
| Somerset County<br>Quemahoning<br>Township                           | PAG2005609003<br>Beech Construction, Inc.<br>Michael Beech<br>801 West Main Street<br>Carnegie, PA 15106  | UNT to Stonycreek River<br>CWF                  | Somerset County<br>Conservation District<br>(814) 445-4652   |
| Washington County<br>Green Hills<br>Borough                          | PAG2006309003<br>Lone Hill Development,<br>LP<br>212 Sussex Way<br>McMurray, PA 15317   | Chartiers Creek<br>WWF                          | Washington County<br>Conservation District<br>(724) 228-6774 |
| Butler County<br>Adams Township<br>Allegheny County<br>Pine Township | PAG20010070019<br>(1)<br>The Villages at Camp<br>Trees—Major<br>Modification<br>William Weaver<br>Weaver Master Builders<br>P. O. Box 449<br>Mars, PA 16046 | Breakneck Creek<br>WWF                          | Butler County<br>Conservation District<br>(724) 284-5270     |
| Butler County<br>Cranberry<br>Township                               | PAG2001009001<br>John Nuzzo<br>Victory Family Church of<br>North Pittsburgh<br>21150 Route 19<br>Cranberry Township,<br>PA 16066                            | UNT Brush Creek<br>WWF<br>and Likens Run<br>WWF | Butler County<br>Conservation District<br>(724) 284-5270     |
| Mercer County<br>Coolspring<br>Township                              | PAG2004309005<br>Dr. Rachel Martin<br>Mercer County Career<br>Center<br>776 Greenville Road<br>Mercer, PA 16137   | Munnell Run                                     | Mercer County<br>Conservation District<br>(724) 662-2242     |

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

| <i>Permit No.</i>                    | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>  | <i>Contact Office &amp;<br/>Phone No.</i>  |
|--------------------------------------|---|---|--|
| Center Township<br>Indiana County    | PAR806209<br>Waste Management of<br>PA, Inc.<br>Route 119 South<br>Homer City, PA 15748 | UNT of Two Lick Creek   | Southwest Regional Office<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000 |
| Fairview Township<br>Erie County     | PAR608325<br>Community Auto<br>Recycling<br>2540 Manchester Road<br>Erie, PA 16506      | Walnut Creek  | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942  |
| Summit Township<br>Butler County     | PAR218308<br>Ervin Industries, Inc.<br>681 East Butler Street<br>Butler, PA 16002       | UNT to Bonnie<br>Brook Creek (001)<br>and Bonnie Brook<br>Creek (002) | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942  |
| Oil Creek Township<br>Venango County | PAG049496<br>Amy Maglet<br>22070 Coe Road<br>Pleasantville, PA<br>16341-1404            | UNT to West<br>Pithole Creek<br>16-E                                  | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942  |
| Conneaut Township<br>Crawford County | PAG048823<br>Jason and Lisa Carr<br>20394 Cole Road<br>Conneautville, PA 16406          | UNT to Foster Run<br>15-A   | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942  |

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

|   |           |   |                                      |   |
|---|-----------|---|--------------------------------------|---|
| Cambridge Springs Township<br>Crawford County | PAG048711 | Steven M. and Suzanne C. Leonhart<br>25206 Ridge Road<br>Cambridge Springs, PA 16403            | UNT of French Creek<br>16-A          | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Cussewago Township<br>Crawford County         | PAG049520 | Alice Morris<br>Mary Chaklos Wasko<br>Estate<br>2719 Laura Drive<br>Frederick, MD<br>21704-8032 | UNT to Cussewago Creek<br>16-D       | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Perry Township<br>Mercer County               | PAG049505 | Technical Precision, Inc.<br>2343 Perry Highway<br>Hadley, PA 16130                             | UNT to Little Shenango River<br>20-A | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 4009517MA, Minor Amendment**, Public Water Supply.

**Applicant**

**County**

**Type of Facility**

**Consulting Engineer**

**Permit to Construct  
Issued**

**Permit No. 2450133, Operations Permit**, Public Water Supply.

**Applicant**

**County**

**Type of Facility**

**Consulting Engineer**

**Permit to Construct  
Issued**

**Permit No. 3486568, Operations Permit**, Public Water Supply.

**Applicant**

**County**

**United Water Pennsylvania, Inc.**

4211 East Park Circle  
P. O. Box 4151  
Harrisburg, PA 17111  
Dallas Township

**Luzerne**

**Public Water Supply**

Arthur C. Saunders, P. E.  
United Water Pennsylvania, Inc.  
4211 East Park Circle  
P. O. Box 4151  
Harrisburg, PA 17111

June 3, 2009

**Pennsylvania American Water**

800 West Hersheypark Drive  
Hershey, PA 17033  
Hamilton Township

**Monroe**

**Public Water Supply**

Daniel G. Rickard, P. E.  
Pennsylvania American Water  
100 North Pennsylvania Avenue  
Wilkes-Barre, PA 18701

June 8, 2009

**David M. Ascani,**  
d/b/a Martins Creek Water Co.  
6780 Fairview Avenue  
P. O. Box 68  
Martins Creek, PA 18063

Lower Mount Bethel Township

**Northampton**

Type of Facility Bulk Water Hauling  
 Consulting Engineer N/A  
 Permit to Construct June 11, 2009  
 Issued

**Permit No. 3486569, Operations Permit, Public Water Supply.**

Applicant **Capco Fuel and Water Service, Inc.**  
 P. O. Box 277K  
 Martins Creek, PA 18063  
 Lower Mount Bethel Township

County **Northampton**  
 Type of Facility Bulk Water Hauling  
 Consulting Engineer N/A  
 Permit to Construct June 11, 2009  
 Issued

**Permit No. 3486567, Operations Permit, Public Water Supply.**

Applicant **Palmeri & Sons, Inc.**  
 6887 South Delaware Drive  
 P. O. Box 45  
 Martins Creek, PA 18063  
 Lower Mount Bethel Township

County **Northampton**  
 Type of Facility Bulk Water Hauling  
 Consulting Engineer N/A  
 Permit to Construct June 4, 2009  
 Issued

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Operations Permit** issued to **North Middleton Authority**, 7210049, North Middleton and Middlesex Townships, **Cumberland County** on June 9, 2009, for the operation of facilities approved under Construction Permit No. 2107509 MA.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1409501—Construction, Public Water Supply.**

Applicant **Nittany Grove Mobile Home Park**

Township or Borough Harris Township  
 County **Centre**

Responsible Official Kirk Aguer  
 Nittany Grove  
 Mobile Home Park  
 123 Aspen Drive  
 Boalsburg, PA 16827

Type of Facility Public Water  
 Supply—Construction

Consulting Engineer Eric Casanave, P. E.  
 Penn Terra Engineering, Inc.  
 3075 Enterprise Drive  
 State College, PA 16801

Permit Issued Date June 11, 2009

Description of Action Construction of a new 13,000 gallon finished water storage tank for Well No. 1.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 6507503A1, Public Water Supply.**

Applicant **Latrobe Municipal Authority**  
 104 Guerrier Road  
 Latrobe, PA 15650

Borough or Township Derry Township  
 County **Westmoreland**

Type of Facility Water treatment plant  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 P. O. Box 853  
 Latrobe, PA 15650

Permit to Construct June 7, 2009  
 Issued

**Operations Permit** issued to Authority of the **Borough of Charleroi**, 3 McKean Avenue, P. O. Box 211, Charleroi, PA 15022, (PWSID No. 5630039) Speers Borough, **Washington County** on June 7, 2009, for the operation of facilities approved under Construction Permit No. 6308501.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Operations Permit** issued to **Springboro Area Water Authority**, PWSID No. 6200050, Springboro Borough/Spring Township, **Crawford County**, June 9, 2009, for operation of the new bolted-steel, glass-lined 183,000 gallon, potable water storage tank, as permitted under Construction Permit No. 2084503-MA1, issued October 30, 2008.

**Operations Permit** issued to **Falls Creek Borough Municipal Authority**, PWSID No. 6330007, Falls Creek Borough, **Jefferson County**, June 16, 2009, for operation of the Sodium Hypochlorite disinfection facility, as permitted under Construction Permit No. 3381501-T1-MA4, issued November 12, 2008.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

#### Plan Location:

| Borough or Township | Borough or Township Address                           | County      |
|---------------------|---|-------------|
| Bethlehem Township  | 4225 Easton Avenue<br>Bethlehem Township,<br>PA 18020 | Northampton |

*Plan Description:* The Plan's selected alternative is identified in Section VIII, page 50 of the plan. The alternative calls for the Township to do nothing at this time and implement the necessary conveyance system upgrades as required to accommodate increased wastewater flows resulting from proposed future development. The sewer mains required for upgrade within the next 20 years are shown in the Plan in Appendix P. It is anticipated that the upgrades will take place in the time

frames noted in the Plan, if future development proceeds as currently anticipated. Until such time as the City of Bethlehem's Act 537 plan for planned wastewater treatment improvements at the City's plant are approved by the Department of Environmental Protection (Department), wastewater flows from Bethlehem Township shall not exceed the current agreement between the Township and the City or a discharge of 3.0 mgd. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>         | <i>County</i> |
|----------------------------|--|---------------|
| Wormleysburg Borough       | 20 Market Street<br>Wormleysburg, PA 17043 | Cumberland    |

*Plan Description:* The approved plan provides for continuing with the current sewer service areas tributary to the existing Lemoyne Borough and the East Pennsboro Township Wastewater Treatment Plants. The Department of Protection Environmental's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>      | <i>County</i> |
|----------------------------|---|---------------|
| Millcreek Township         | 3608 West 26th Street<br>Erie, PA 16506 | Erie          |

*Plan Description:* The approved plan provides for the installation of a gravity sewer system and duplex grinder pump station to serve 46 existing residential properties and 10 vacant lots along Young Road, Home Road and within the Scenic Crest Subdivision consisting of Hillhaven, Crest and Parkview Drives. DEP Code No. M6-08-073. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## SEWAGE FACILITIES ACT PLAN DISAPPROVAL

### Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>               | <i>County</i> |
|----------------------------|--|---------------|
| Jackson Township           | 439 Roth's Church Road<br>Spring Grove, PA 17362 | York          |

*Plan Description:* John Klingaman, Jr. A3-67931-245-2: The plan consists of a two lot single-family residential subdivision on 17.35 acres with total proposed sewage flows of 800 gpd to be treated by individual onlot disposal systems. The proposed development is located on the northeastern corner of Bentz and North Grant Roads in Jackson Township, York County. The plan was disapproved because the groundwater easement proposed to mitigate the impact of the nitrate-nitrogen plume from

the proposed sewage system is not down gradient from the absorption area of the onlot disposal system, as recommended by the Preliminary Hydrogeologic Study submitted with the planning information. Such a condition would be expected to cause pollution of the waters of this Commonwealth and is prohibited under The Clean Streams Law.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Interim Response

#### Cross Keys HSCA Site Doylestown, Buckingham and Plumstead Townships, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305) (USCA), is proposing a response action at the Cross Keys HSCA Site (Site) in Doylestown, Buckingham and Plumstead Townships, Bucks County, PA.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation includes the sampling of private drinking water supply wells located in the vicinity of the intersection of Swamp Road (Rt. 313) and North Easton Road. Approximately 100 wells are contaminated or may potentially become contaminated with detectable levels of Tetrachloroethene (PCE), 1,1-Dichloroethene (1,1-DCE) and 1,4-Dioxane.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under sections 501(a) of HSCA (35 P.S. § 6020.501(a)). The Department hereby proposes the installation of a waterline, including water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units and/or supplying bottled water.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown, PA 19401. Those interested in examining the Administrative Record should contact Sabrina Chrzanoski at (484) 250-5965 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the Doylestown Township Municipal Building at 425 Wells Road, Doylestown, PA 18901; the Buckingham Township Municipal Building at 4613 Hughesian Drive, Buckingham, PA 18912; and the Plumstead Township Municipal Building at 5186 Stump Road, Plumsteadville, PA 18949.

Under section 506(d) of HSCA, the Department shall conduct a public hearing on July 30, 2009, at 7 p.m. at the Doylestown Township Municipal Building located at 425 Wells Road, Doylestown, PA 18901. Anyone who would like to present formal oral comments regarding this proposed response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak at (484) 250-5820.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the number listed previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with section 506(c) of HSCA, the Department has established a period for public comment that is now open until close of business September 20, 2009. Written comments should be addressed to Sabrina Chrzanowski, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Sabrina Chrzanowski at (484) 250-5965.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Pleasant Valley School District Operations Facility**, Polk Township, **Monroe County**. Daniel A. Nealon, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Glenmaura Professional Center, Suite 105, Moosic, PA 18507 has submitted a Final Report (on behalf of his client, Mark Meinhart, Pleasant Valley School District, 1 School Lane, Route 115, Brodheadsville, PA 18322), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from an underground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Station Mall**, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Joseph Grappone, Grappone Law Office, 411 A Logan Boulevard, Altoona, PA 16602, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with metals, PAHs and VOCs. The report is intended to document remediation of the site to meet a combination of the Nonresidential Statewide Health and Site-Specific Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Bancshares, LLC-Julian Property**. Union Township, **Centre County**. HRG, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Bancshares, LLC, 2 PNC Plaza, P2-PTPP-19-3, Pittsburgh, PA 15222 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil at 159 Meadow Lane, Julian, PA. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Farmers Valley Wax Plant Former Fly Ash Areas (Farmers Valley Wax Plant)**, Keating Township, **McKean County**. URS Corporation, 501 Holiday Drive, Building 4, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 and Honeywell, Inc., has submitted a Final Report concerning remediation of site soil contaminated with toluene, aluminum, antimony, arsenic, barium, beryllium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, nickel, potassium, selenium, silver, sodium, vanadium, and zinc; groundwater contaminated with aluminum, antimony, arsenic, barium, beryllium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, nickel, potassium, selenium, silver, sodium, thallium and zinc. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Stackpole Benzinger Township Site**, City of St. Marys, **Elk County**. Hydrosystems Management, Inc., P. O. Box 789, Washington, PA 15301-0789 on behalf of Carbone of America Ind. Corp., 215 Stackpole Street, Suite 1, St. Marys, PA 15857 has submitted a Revised Remedial Investigation Report and Final Report concerning remediation of site soil contaminated with acenaphthene, acetone, anthracene, antimony, arsenic, benzene, beryllium, cadmium, carbon disulfide, chlorobenzene, chloroform, chromium (III), chrysene, copper,

dichloroethane 1,2-, dichloroethylene 1,1-, dichloroethylene CIS-1,2-, dichloroethylene TRANS-1,2-, dichloropropene 1,3-, ethyl benzene, fluoranthene, fluorene, lead, mercury, methyl ethyl ketone, naphthalene, nickel, PCB-1260 (Aroclor), phenanthrene, pyrene, silver, tetrachloroethylene (PCE), toluene, trichloroethane 1,1,1-, trichloroethane 1,1,2-, trichloroethylene (TCE), vinyl chloride, xylenes (Total), zinc and compounds and site groundwater contaminated with acetone, arsenic, barium and compounds, benzene, beryllium, bromodichloromethane, bromomethane, cadmium, carbon disulfide, chloroform, copper, dichloro-ethane 1,1-, dichloroethane 1,2-, dichloroethylene 1,1-, dichloroethylene CIS-1,2-, dichloromethane (Methylene Chloride), dichloropropane 1,2-, diethyl phthalate, iron, lead, manganese, methyl chloride, methyl isobutyl ketone, nickel, pentachlorophenol, pyrene, silver, tetrachloroethylene (PCE), toluene, tribromomethane (Bromoform), trichloroethane 1,1,1-, trichloroethane 1,1,2-, trichloroethylene (TCE), vinyl chloride, xylenes (Total), zinc and compounds, and other compound not on the Statewide Health Standard list. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and in-

clude a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Lewis Residence**, Dimock to Nicholson Road, Dimock Township, **Susquehanna County**. Scott Sanabria, Minuteman Spill Response, Inc., P. O. Box 10, Mifflinville, PA 18631 submitted a Final Report (on behalf of his client, Harold Lewis, R. R. 6, Box 6178, Montrose, PA 18801), concerning the remediation of soil found to have been impacted by diesel fuel due to an accidental release, which was the result of a damaged saddle tank from a rig transporting equipment to a drill pad site and lost traction, causing it to coast backwards overturning onto the property. The report documented attainment of the Residential Statewide Health Standard and was approved on June 9, 2009.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Edwards Property**, Frankstown Township, **Blair County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668, on behalf of Joseph Edwards, R. D. 2, Box 302, Williamsburg, PA 16693 and Sel-Lo Oil Inc., R. D. 2, Box 629, Altoona, PA 16601, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on June 11, 2009.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Pinecrest Village Mobile Home Park, Lot 39**. Eldred Township, **Lycoming County**. Terry Knittle, Knittle Enterprises, 24 Pinecrest Drive, Williamsport, PA 17701 has submitted a Final Report within 90 days of the release concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 5, 2009.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Centerville United Methodist Church**, Borough of Centerville, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Buffalo Structural Steel Corp., 60 Bryant Woods South, West Amherst, NY 14228 has submitted a Final Report concerning the remediation of site soil and site groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, cumene, MTBE, naphthalene,

1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 12, 2009.

**Mallery Lumber Wolf Run Project (Mert Holdings LLC—Wolf Run)**, Jones Township, **Elk County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Mert Holdings, LLC, 214 West Fourth Street, Emporium, PA 15834, has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 15, 2009.

#### **DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Applications for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR079D003. ICM of Pennsylvania, Inc., 638 Lancaster Avenue, Malvern, PA 19355.** The Department of Environmental Protection, Bureau of Waste Management has received an application for a determination of applicability under the General Permit WMGR079. The general permit WMGR079D003 is for the processing of waste asphalt shingles generated in the manufacturing of new asphalt shingles for the beneficial use as an aggregate in the production of hot mix asphalt paving material and as a subbase for road and driveway construction. The Department of Environmental Protection determined the application to be administratively complete on June 12, 2009.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### **RESIDUAL WASTE GENERAL PERMITS**

**Registration for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).**

*Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17011.*

**General Permit Application No. WMGR038SC002. ZIRCorp, LLC, 560 Sunnyside Road, P. O. Box 43, Bedford, PA 15522.** This general permit General was issued on December 8, 2005, for the processing and beneficial use of waste tires and tire derived materials for

fuel and consumer products, generated at the ZIRCorp facility located in Bedford Township, **Bedford County**. The approved uses are tire derived fuel, use in civil engineering practices, and as an ingredient in or as a commercial product.

Based on the information provided in the notification, the processing operations and beneficial use activity performed by ZIRCorp, LLC is now under the ownership and management of William Sujansky.

Notice is hereby given of the re-issuance of the General Permit Numbered WMGR038SC002 granting ZIRCorp, LLC the processing and beneficial use of waste tires, generated at the ZIRCorp facility located in Bedford County, as specified in the general permit. The Southcentral Regional Office approved the re-issuance of this general permit on June 4, 2009.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17011, (717) 705-4905. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### **AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**GP3-15-07-03014: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on June 12, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Taylor Township, **Blair County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**GP-10-360A: Thompson-Miller Funeral Home—Human Cremation** (300 East Jefferson Street, Butler, PA 16001) on May 29, 2009, to construct a human crematory (BAQ-GPA/GP-14) in the City of Butler, **Butler County**.

**GP-10-360B: Thompson-Miller Funeral Home—Animal Cremation** (300 East Jefferson Street, Butler, PA 16001) on May 29, 2009, to construct an animal crematory (BAQ-GPA/GP-14) in the City of Butler, **Butler County**.

**GP-16-139A: Texas Keystone, Inc.** (130 Raymond Drive, Indiana, PA 15701) on June 11, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Limestone Township, **Clarion County**.

**GP-24-163B: Seneca Resources Corporation—Wilson Run Station** (Fire Tower Road, Brookville, PA 15825) on June 2, 2009, to operate a natural gas fired compressor engine and dehydrator (BAQ-GPA/GP-5) in Horton Township, **Elk County**.

**GP-25-985A: Chase Manufacturing Co.** (9 Pennsylvania Avenue, Corry, PA 16407) on June 4, 2009, to operate a natural gas fired burn off oven (BAQ-GPA/GP-4) in the City of Corry, **Erie County**.

**GP-25-1022A: Troyer Potato Products, Inc.** (817 Route 97 South, Waterford, PA 16441) on June 3, 2009, to operate a natural gas fired boiler (BAQ-GPA/GP-1) in Waterford Township, **Erie County**.

**GP-33-158A: Fairman Corp.—Big Run Station** (Route 36, Big Run, PA 15715) on June 2, 2009, to operate natural gas fired compressor engines (BAQ-GPA/GP-5) in Gaskill Township, **Jefferson County**.

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**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**05-03005A: Kennametal, Inc.** (442 Chalybeate Road, Bedford, PA 15522-8637) on June 9, 2009, to construct various foundry equipment and install several fabric collectors to control PM emissions in Bedford Township, **Bedford County**.

**67-03156A: Apex Urethane Millwork, LLC** (105 Church Lane, Red Lion, PA 17356) on June 10, 2009, to operate urethane millwork fabrication processes at the facility in Red Lion Borough, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**08-313-042D: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) on May 26, 2009, to construct and operate a new Progressive Technologies model HE-100 plasma gun (PMI gun No. 1, Source ID P227) for their facility in North Towanda Township, **Bradford County**. The existing PMI gun will be replaced by the proposed one. The PM and HAP emissions from the PMI gun will be controlled by a Farr-Tenkay fabric collector and final filter.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**56-00025H: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) on June 12, 2009, to construct an additional vibrating screen at their existing Nonmetallic Mineral Processing facility in Jefferson Township, **Somerset County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**37-023E: Orion Power Midwest, LP—New Castle** (2189 Street Route 168 South, West Pittsburgh, PA 16160-0325) on June 9, 2009, to install mercury control equipment from the three main power boilers (Units 3—5) in Taylor Township, **Lawrence County**. This is a Title V facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**09-0193: Basic Chemical Solutions, LLC** (5 Steel Road East, Morrisville, PA 19067) on June 9, 2009, to operate an acid Storage Tank/Control Devices in Falls Township, **Bucks County**.

**23-0109: Cataylst International, Inc.** (1050 Ashland Avenue, Folcroft, PA 19032) on June 9, 2009, to operate three solvent based laminators in Folcroft Borough, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**22-05007B: The Harrisburg Authority** (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on June 13, 2009, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**47-00003A: Department of Public Welfare—Danville State Hospital** (200 State Hospital Drive, Danville, PA 17821-9198) on June 3, 2009, to extend the authorization an additional 180 days from August 27, 2009, to February 23, 2010, and revise and extend the required stack testing date until December 31, 2009, for Source IDs 037 and 038 in Mahoning Township, **Montour County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00024: Waste Management of Pennsylvania, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on June 16, 2009, for renewal of the Title V Operating Permit for their Tullytown Resource Recovery Facility, a landfill in Tullytown Borough, **Bucks County**. The renewal will also include the incorporation of Plan Approvals PA-09-0024C, 09-0024E and 09-0024G. The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00106: Univar USA, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) on June 10, 2009, to renew a Non-Title V Facility, State-only, Synthetic Minor Permit in Falls Township, **Bucks County**. Univar USA, Inc. is a chemical and allied products merchant wholesaler. The sources of emissions include: a boiler, diesel fire pump, emergency generators, storage tanks and transfer stations. The facility voluntary took a total VOC total HAP and total NOx emission limit of 24.9 tpy and a 9.9 tpy



limit on individual HAPs calculated on a 12-month rolling sum. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00144: USDA Eastern Regional Research Center** (600 East Mermaid Lane, Wyndmoor, PA 19038-8551) on June 10, 2009, to operate four boilers and one emergency generator in Springfield Township, **Montgomery County**. This action is a renewal of the State-only Operating Permit (Synthetic Minor). The original State-only Operating Permit was issued on March 18, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**09-00189: Eureka Stone Quarry, Inc.** (Route 611, Warrington, PA) on June 16, 2009, to issue an initial State-only Operating Permit (SOOP) in Warrington Township, **Bucks County**. This is a non-Title V facility. This SOOP will incorporate the monitoring, recordkeeping and operating conditions from Plan Approval 09-0189. In addition, the SOOP will contain site level requirements specific for this facility.

**09-00032: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on June 16, 2009, to renew the State-only Operating Permit for a stone crushing and asphalt plant in Warrington Township, **Bucks County**. The renewal corrects a number of errors made in the original Operating Permit, including but not limited to, site inventory, site map and tax ID. The renewal will include the incorporation of Plan Approval 09-0032 and Request for Determination 490. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility shall remain a synthetic minor facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**40-00116: Ohio Mattress Co. Licensing & Components Group, Inc.** (25 Elmwood Street, Mountaintop, PA 18707) on June 6, 2009, to operate their mattress production lines in Wright Township, **Luzerne County**. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a State-only Synthetic Minor operating permit.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**07-03022: Juniata Fabrics, Inc.** (1301 Broadway, Altoona, PA 16001-5314) on June 10, 2009, for their fabric manufacturing plant in the City of Altoona, **Blair County**. This is a renewal of the State-only operating permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**37-00314: Natural Sand Co., Inc.—Plane Grove Road Plant** (4783 Harlansburg Road, Slippery Rock, PA 16057) on June 10, 2009, to re-issue the referenced permit for this specialty soil processing operation, in Plain Grove Township, **Lawrence County**. The primary

emissions from this facility are from the 585 HP Diesel Generator and the Soil Drying Process.

**43-00055: Bonsal American, Inc.** (97 Main Street, Fredonia, PA 16124) on June 9, 2009, to re-issue the State-only permit to manufacture concrete products in Fredonia Borough, **Mercer County**. The facility's major emission sources include bagging and bins, two degreasers, rotary drum dryer. The facility is a natural minor facility because the emissions are less than Title V threshold limits.

*Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**S09-007: LaSalle University** (1900 West Olney Avenue, Philadelphia, PA 19141-1199) on June 2, 2009, for University facility in the City of Philadelphia, **Philadelphia County**. The synthetic minor facilities emission sources include three Emergency Generators firing diesel, and four Boilers greater than 10 mmBtu/hr firing either natural gas or No. 2 fuel oil and 45 boilers less than 10 mmBtu/hr firing either natural gas or No. 2 fuel oil.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00010: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on June 10, 2009, for their pharmaceutical manufacturing facility located in West Rockhill Township, **Bucks County**. On issuance date, the State-only Synthetic Minor Operating Permit was modified to change the range of allowable pressure drops across dust collectors represented by Source ID Nos. C113, C114, C115 and C116 from 0.5 to 8 inches water gauge to 0.1 to 8 inches water gauge. The allowable pressure drop was changed to reflect operation at the time that cartridges are replaced in these dust collectors. The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Minor modification of SOOP No. 09-00010 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**38-05034: BlueScope Buildings North America, Inc.** (400 North Weaver Street, Annville, PA 17003-1103) on June 10, 2009, to operate two spray-paint booths at their steel fabrication facility in Annville Township, **Lebanon County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**S09-002: Smurfit Stone Container Corp.—Phila West** (9820 Bluegrass Road, Philadelphia, PA 19114) on June 15, 2009, administratively amended to change contact information. The Title V Operating Permit was originally issued on March 30, 2009.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00249: Pfizer, Inc.** (801 River Road, Conshohocken, PA 19428-2646) on May 20, 2009, owned by GlaxoSmithKline requested revocation of their Non-Title V operating permit for the operation of two boilers, one emergency generator, a weighing operation process, a hydrochloric acid storage tank, a dust collector and a scrubber in Upper Merion Township, **Montgomery County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Coal Applications Returned*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32010105 and NPDES No. PA0248975. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, revision of an existing bituminous surface and auger mine in Center and Blacklick Townships, **Indiana County**, affecting 171.4 acres. Receiving streams: UNTs to/and Aultman Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received May 27, 2009. Permit withdrawn June 4, 2009.

*Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**17031301 and NPDES Permit No. PA0235571, Parkwood Resources, Inc.**, (511 Railroad Avenue, Homer City, PA 15748), to renew the permit and related NPDES permit and to revise the permit for the Cherry Tree Mine in Burnside Township, **Clearfield County** and Montgomery Township and Cherry Tree Borough, **Indiana County** to add underground and subsidence control plan area acres to the permit. Underground Acres Proposed 145, Subsidence Control Plan Acres Proposed 1,278. No additional discharges. Application received November 4, 2008. Permit issued June 10, 2008.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**05773002 and NPDES Permit No. PA0605964, Black Dog Mining, Inc.**, 4891 Lincoln Highway, Stoystown, PA 15563, permit renewal for continued operation and restoration of a bituminous surface mine in Broad Top Township, **Bedford County**, affecting 258.5 acres. Receiving streams: UNTs to/and Six Mile Run; UNTs to/and Shreves Run classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Saxton Municipal Water Authority. Application received December 1, 2008. Permit issued June 11, 2009.

**56080102 and NPDES No. PA0262609. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, permit revision for the continued operation and restoration of a bituminous surface mine to request a variance to conduct surface mining activities including blasting, within 100 feet of the right-of-way of Township Road 717 beginning at a point 950 feet northeast of the intersection of SR 1021 and T-717 then continuing northeast and then southwest along both sides of the road, a distance of 4,800 feet and then continuing southwest along the west side of the road an additional 400 feet. Variance is also requested beginning at the previously-referenced starting point and then continuing southeast along the north side of the paved portion of T-717, a distance of approximately 650 feet. Variance to temporarily close and mine through a portion of T-717 is also requested beginning at a point approximately 1,750 feet northeast of the intersection of SR 1021 and T-717 and continues on the unmaintained portion of T-717 northeast approximately 3,250 feet and then southwest approximately 400 feet to a power line. The temporary closure is subject to Sherpa Mining Contractors, Inc. maintaining an access road at all times to the cemetery located on the Cook Property in Shade Township, **Somerset County**, affecting 346.5 acres. Receiving streams: UNTs to/and Hinson River; UNTs to/and Miller Run; Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received April 13, 2009. Permit issued June 11, 2009.

*Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03900109 and NPDES Permit No. PA0200476. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Transfer of permit formerly issued to Short Brothers, Inc., for continued operation and reclamation of a bituminous surface/auger mining site located in Kittanning Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: Campbell Run to Crooked Creek to Allegheny River. Application received October 14, 2008. Transfer permit issued June 11, 2009.

**02030101 and NPDES Permit No. PA0250414. Teodori Enterprises** (P. O. Box 616, Lawrence, PA 15055). Permit issued for continued reclamation only of an existing bituminous surface mining site located in North Fayette Township, **Allegheny County**, affecting 155.4 acres. Receiving streams: North Branch and UNTs to North Branch of Robinson Run. Renewal application received May 4, 2009. Reclamation only renewal issued June 12, 2009.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**24890101 and NPDES Permit No. PA0105082. Energy Resources, Inc.** (c/o Ohio American Energy, Inc., 34 Kelly Way, Suite 100, Brilliant, OH 43913) Renewal of an existing bituminous strip, tippel refuse disposal and coal ash placement operation in Fox and Horton Townships, **Elk County** affecting 377.0 acres. Receiving streams: Boderocco Run and Brandy Camp Creek; UNT to Little Toby Creek. Application received April 13, 2009. Permit Issued June 3, 2009.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17793044 and NPDES No. PA0119334. River Hill Coal Company, Inc.** (P.O. Box 141, Kylertown, PA 16847), permit renewal for the continued operation and restoration of a bituminous surface mine in Karthaus Township, **Clearfield County**, affecting 112.0 acres. Receiving stream: UNT to Marks Run to Upper Three Runs, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 16, 2009. Permit issued June 4, 2009.

**17900115. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717), permit renewal for reclamation only of a bituminous surface mine in Chest Township, **Clearfield County**, affecting 173.9 acres. Permit issued June 11, 2009.

#### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**42060806. Jason R. Cornelius** (102 Card Creek Road, Roulette, PA 16746) Transfer of an existing small bluestone operation from James Tucker in Liberty Township, **McKean County** affecting 5.0 acres. Receiving streams: Two Mile Creek. Application received March 9, 2009. Permit Issued June 4, 2009.

**25082802. Hull Excavating, Inc.** (12135 Ashton Road, Wattsburg, PA 16442) Transfer of an existing small sand and gravel operation from Hull Excavating in Greenfield Township, **Erie County** affecting 5.0 acres. Receiving streams: West Branch French Creek. Application received May 1, 2009. Permit Issued June 4, 2009.

### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**26094004. Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for the construction of Genovese Atlas Well, located in Nicholson Township, **Fayette County**. The blasting is expected to be 180 days. Blasting activity permit issued June 9, 2009.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**13094102. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Laurel Woods at Big Boulder in Kidder Township, **Carbon County** with an expiration date of July 31, 2010. Permit issued June 8, 2009.

**45094122. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Lake in the Pines in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2010. Permit issued June 8, 2009.

**09094102. Brubacher Excavating, Inc.** (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Washington Crossing Cemetery in Upper Makefield Township, **Bucks County** with an expiration date of May 31, 2010. Permit issued June 9, 2009.

**39094110. Warren's Excavating & Drilling, Inc.** (P.O. Box 214, Myerstown, PA 17067), construction blasting for Central Park in the City of Bethlehem, **Northampton County** with an expiration date of June 3, 2010. Permit issued June 9, 2009.

**45094120. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Highland Estates in Pocono Township, **Monroe County** with an expiration date of June 30, 2010. Permit issued June 9, 2009.

**45094121. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Twin Lake Estates in Smithfield Township, **Monroe County** with an expiration date of June 30, 2010. Permit issued June 9, 2009.

**45094123. Silver Valley Drilling & Blasting, Inc.** (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Water Gap Preserve in Middle Smithfield Township, **Monroe County** with an expiration date of May 30, 2010. Permit issued June 9, 2009.

**52094108. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Hemlock Farms in Dingman, Blooming Grove and Porter Townships, **Pike County** with an expiration date of June 30, 2010. Permit issued June 9, 2009.

**58094102. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Linde Corp. Pipeline in Dimock and Springfield Townships, **Susquehanna County** with an expiration date of June 1, 2010. Permit issued June 10, 2010.

**38094113. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Elco Intermediate School in Jackson and Millcreek Townships, **Lebanon County** with an expiration date of December 30, 2009. Permit issued June 11, 2009.

**46094112. Schlouch, Inc.** (P.O. Box 69, Blandon, PA 19510), construction blasting for Hartenstine Interceptor in Limerick Township, **Montgomery County** with an expiration date of June 10, 2010. Permit issued June 11, 2009.

**46094113. Brubacher Excavating, Inc.** (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Pope John Paul II High School in Upper Providence Township, **Montgomery County** with an expiration date of June 30, 2010. Permit issued June 12, 2009.

### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously

received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1–691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E67-823: Hanover Country Club**, William Brooks 200 East Water Street, Abbottstown, PA 17301, Golf Club in Paradise Township, **York County** and Hamilton Township, **Adams County**.

To relocate an existing cart/footbridge, replace an existing 3-inch irrigation line, install a temporary bypass channel and temporary stream crossing then construct and maintain 1,260-feet of stream restoration work using natural channel design techniques to improve the channel stability, water quality and aquatic habitat in Beaver Creek (WWF), including removing 3,650 cubic yards of material from the floodplain and the creation of an 8-foot

wide herbaceous no mow zone on either side of the stream (Abbottstown, PA Quadrangle N: 3.5 inches, W: 2.8 inches; Latitude: 39° 53' 42"; Longitude 76° 58' 59") in Paradise Township, York County and in Hamilton Township, Adams County. No wetland impacts are associated with this project.

**EA36-018: PPL Holtwood, LLC**, Dennis J. Murphy, VP/COO, 2 North 9th Street, Allentown, PA 18101, Martic Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

PPL Hydroelectric Plant is located on the Susquehanna River (WWF) in Martic Township, Lancaster County. PPL proposes to construct a new powerhouse, install new turbines, construct a new skimmer wall, increase the forebay capacity and reconfigure the project facilities to enhance upstream fish passage through modification of existing facilities and excavations in the tailrace channel (Holtwood, PA Quadrangle N: 14 inches; W: 11.5 inches, Latitude: 39° 49' 37.7" N; Longitude: 76° 19' 50.4" W). The licensed installed capacity at the project would increase from 107.2 MW to a proposed 195.5 MW. To improve MF passage at the project, PPL proposes to: (1) modify the existing fish lift; (2) reroute the discharge of Unit 1 in the existing powerhouse; and (3) excavate the project tailrace (33.49 acres), the forebay (4.63 acres) and Piney Channel (6.68 acres). PPL also proposes to provide minimum flows, perform studies and evaluations of the effectiveness of the fish passage improvements and flow releases, improve existing and construct new recreational facilities, and protect special status plants, wildlife and cultural resources during construction. The project will cumulatively impact 1.24 acres of palustrine emergent and forested wetlands, approximately 7.69 acres of shallow water habitat and approximately 14.60 acres of deep water habitat and includes 20.84 acres of impacts to the lake fluctuation zone. To mitigate for impacts associated with the project, PPL proposes to: (1) construct 0.25 acre emergent wetland, 1.96 acre forested wetland and establish 1.57 acre forested riparian buffer and 1.80 acres upland forest at the RLPS Architect's property located west-southwest of the intersection of Oregon Pike (PA-272) and Valleybrook Drive in Manheim Township, Lancaster County (Lancaster, PA Quadrangle N: 15.96 inches; W: 5.37 inches; Latitude: 40° 05' 16.332" N, Longitude: 76° 17' 18.2004" W) in the floodway of Landis Run (WWF) or, if this project cannot be timely constructed, provide and construct such replacement project as is acceptable to the Department of Environmental Protection (Department); (2) construct and maintain a 3,200.0-foot stream restoration project in and along Pequea Creek (WWF) located (New Holland and Gap, PA Quadrangles Latitude: 40° 00' 01.1" N, Longitude: 76° 06' 11.1" W) in Paradise and Leacock Townships, Lancaster County. The project shall include riparian plantings along 5,000 feet (4-acres) of Pequea Creek, 3,300-feet of streambank fencing providing for a minimum of a 25-foot buffer on each side of the Pequea Creek, two cattle crossings, one cattle access, four areas of habitat boulder placement, five rock cross vanes, nine J-hooks, three stream bank rock deflectors, five root wads, four mudsill fish enhancement structures; (3) plant 7.6 acres of an existing agricultural field adjacent to the Susquehanna River with native tree species at a point just north of the intersection of Prescott and River Roads (SR 441) (York Haven, PA Quadrangle Latitude: 40° 06' 35.70" N, Longitude: 76° 41' 18.36" W) in Conoy Township, Lancaster County; (4) remove three dams, or if these projects are funded through other sources, provide and construct such replacement projects as are acceptable

to the Department: (a) D36-306, Levi Fisher Dam located on Pequea Creek (HQ-CWF) at a point just west of the intersection of Mount Vernon and Buena Vista Roads (Honey Brook, PA Quadrangle Latitude: 40° 1' 9.12" N, Longitude: 75° 59' 4.56" W) in Salisbury Township, Lancaster County; (b) Smucker Dam located on Groff Run (WWF) at a point just west of the intersection of Tabor Road and Custer Avenue (New Holland, PA Quadrangle Latitude: 40° 4' 9.84" N, Longitude: 76° 5' 8.52" W) in Earl Township, Lancaster County; (c) Zimmerman Dam located on Conestoga River (WWF) at a point just southwest of the intersection of Cabin Road and Twenty-Eighth Division Highway (SR 322) (Ephrata, PA Quadrangle Latitude: 40° 9' 1.44" N, Longitude: 75° 8' 11.49" W) in Earl Township, Lancaster County; (5) construct and maintain a new boat ramp measuring 100.0-feet long by 20.0-feet wide into the Susquehanna River, a 25.0-foot by 20.0-foot ADA accessible fishing platform and dock, 18 additional trailer spaces, three additional car parking spaces and two ADA accessible car spaces and place 1,633.0 cubic yards of material in and along the Susquehanna River (WWF) (Conestoga, PA Quadrangle N: 2.5 inches, W: 16.5 inches; Latitude: 39° 53' 17.4" N, Longitude: 76° 22' 0.5" W) to improve the Pequea Boat Launch; (6) construct and maintain a 52-foot long extension to an existing boat ramp to provide total boat ramp dimension of 80.0-feet long by 12.0-feet wide. This modification shall be in Pequea Creek (WWF) located approximately 75-feet upstream of the railroad bridge near the confluence with the Susquehanna River (Conestoga, PA Quadrangle N: 2.35 inches; W: 16.39 inches; Latitude: 39° 53' 16.2" N; Longitude: 76° 22' 0.7" W) as part of the improvements to the Pequea Boat Launch; (7) construct and maintain an extension measuring 30.0-feet long by 12.0-feet wide to provide total boat launch dimension of 95-feet long by 12-feet wide each on two existing boat ramps in the Susquehanna River (WWF) located at the York Furnace Recreation Area (Safe Harbor, PA Quadrangle N: 0.75 inch; W: 1.0 inch; Latitude: 39° 52' 20.8" N, Longitude: 76° 22' 48.3" W); (8) construct and maintain additional parking along the existing McCall's Ferry Road by placing 250 cubic yards of fill in the floodway of the Susquehanna River (WWF) in Lower Chanceford Township, York County (Holtwood, PA Quadrangle N: 13.0 inches; W: 12.5 inches; Latitude: 39° 49' 15.6" N, Longitude: 76° 20' 16.5" W), to provide parking for the white water boating community use. The additional parking includes widening McCall's Ferry Road by 27.5-feet for a distance of 137.0-feet; and (9) construct and maintain a bridge over the railroad tracks along the east bank of the Susquehanna River (WWF) for the purpose of allowing recreational access to a new parking area, measuring 200.0-feet long by 50.0-feet wide, located between the railroad right-of-way and the Holtwood Tailrace (Holtwood, PA Quadrangle N: 13.25 inches; W: 11.0 inches; Latitude: 39° 49' 22.6" N, Longitude: 76° 19' 35.3" W).

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-514. Gerald F. Clair**, 146 Clair Lane, State College, PA 16801. Fish Hole, in College Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (State College, PA Quadrangle Latitude: 40° 50' 11.5"; Longitude: 77° 49' 7.5").

To construct and maintain the following fish habitat improvement encroachments: 1) Remove riprap down to the waterline of the streambank that was previously installed in 2008; 2) Remove livestock fence and establish

a 35 ft. wide forested riparian buffer on both sides of the stream for approximately 3,600+ linear feet, in or along Spring Creek; 3) construct and maintain: five mud sill deflectors or triangle deflectors for habitat enhancement and handicap fishing access; 4) an at-grade handicap access trail in the floodway along the right bank of the stream for approximately 3,600 linear feet; 5) low profile log vanes and brush mats in areas with a mud bottom to encourage sediment deposition; and 6) PFBC rock and log fish habitat enhancement devices throughout the reach to improve fish habitat, located 1,550 feet northwest of the intersection of Trout Road and Gerald Street. The applicant agreed to work with the USFWS, Fish and Boat Commission and the contractor to develop a detailed plan to restore the stream banks and avoid extensive engineering requirements. This permit also includes 401 Water Quality Certification.

**E18-444. Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. Water Obstruction and Encroachment Joint Permit, in Pine Creek Township, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Jersey Shore, PA Quadrangle N: 41° 10' 21"; W: 77° 19' 17").

To construct and maintain a wastewater treatment plant in the floodway of the West Branch of the Susquehanna River. The treatment plant serves the Borough of Avis, Dunnstable, Pine Creek and Wayne Townships. The original plant was constructed in 1974. The treated effluent is discharged into a UNT to the West Branch of the Susquehanna River. The new plant is being built to upgrade equipment, meet new environmental regulations and accommodate future growth in the service area. The treatment units and main floor of the control building for the wastewater treatment plant are designed to be above the 100-year floodplain of the West Branch of the Susquehanna River. The project will displace 234,000 cu.ft. of water volume from the floodway. Total area of disturbance will be 2.00 acres. This project is located along the West Branch of the Susquehanna River, 5,800-feet southwest of the intersection of T-438, Maryland Avenue and T-519, 8th Street, (Jersey Shore, PA Quadrangle N: 41° 10' 21"; W: 77° 19' 17") in Pine Creek Township, Clinton County. This project proposes to have an impact on the West Branch of the Susquehanna River, which is designated a WWF, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

**E41-596. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 1005, Segment 0130, Offset 0000 bridge structure replacement over Plunkett's Creek, Plunkett's Creek Township, **Lycoming County**, United States Army Corps of Engineers, Baltimore District (Barbours, PA Quadrangle N: 41° 26' 11"; W: 76° 46' 21").

The Department of Transportation, Engineering District 3-0 proposes to replace a single span reinforced concrete T-beam bridge structure with a single span reinforced concrete box culvert. The proposed concrete box culvert will be depressed one foot into the stream and have baffles placed in accordance with design standards. Hydraulics submitted with this application show a decrease in the 25 and 100 year water surface elevations. The project will utilize a temporary diversion dike system to convey the stream during construction. A detour will be in place to convey traffic during construction. Plunkett's Creek is classified as a HQ-CWF by 25 Pa. Code Chapter 93 (Water Quality Standards). The culvert will have a total length of 77 feet and does not propose to impact any

jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E47-092. Danville Borough**, 239 Mill Street, Danville, PA 17821. Danville Borough Parking Lots, in Danville Borough, **Montour County**, United States Army Corps of Engineers, Baltimore District (Latitude: 40° 57' 46"; Longitude: 76° 36' 57").

To demolish three existing buildings located along Sechler Run, a CWF between Pine Street, Ferry Street, and Montgomery Avenue in the Borough of Danville. This permit also authorizes the construction, operation and maintenance of a parking lot on 1.54 acres of ground. This permit was authorized under Chapter 106 "Floodplain Management."

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1584. David W. Reiss**, 9595 Goehring Road, Cranberry Township, PA 16066 in Franklin Park Borough, **Allegheny County**, United States Army Corps Engineers, Pittsburgh District. To construct and maintain a box culvert. (Emsworth, PA Quadrangle N: 11.8 inches; W: 12.6 inches and Latitude: 40° 33' 54"; Longitude: 80° 05' 32"). To construct and maintain a box culvert having a span of 20.0 feet with an underclearance of 5.0 feet (1.0 foot depressed below the natural stream bed) in the channel of Bear Run (TSF) to provide access to a

single-family residential home. The project is located just south from the intersection of Montgomery and McAleer Roads.

**E56-349. St. Clair Resort Development, LLC**, 1031 Peninsula Drive, Central City, PA 15925. To construct and maintain a commercial docking facility in Indiana Lake Borough in **Somerset County**, United States Army Corps of Engineers, Pittsburgh District (Central City, PA Quadrangle N: 7.15"; W: 15.2"; Latitude: 40° 2' 21"; Longitude: 78° 51' 31"). To construct and maintain a commercial docking facility, consisting of 43 4' by 10' modular floating dock sections, arranged into ten docks, each consisting of 4' by 20' floating docks, attached to offset floating walkways, one 120' in length and the other 100' in length, arranged to form five 18' by 20' docking slips; four 20' by 21' and docking slips. Also included are 16 5' by 11.5' personal watercraft mooring spaces. The project is located along the eastern edge of Indian Lake.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E62-420. WestPA.net**, 216 Pennsylvania Avenue West, Warren, PA 16365. Fiber Optic Crossing Allegheny River, in City of Warren, **Warren County**, United States Army Corps of Engineer, Pittsburgh District (Warren, PA Quadrangle N: 17.0 inches; W: 3.4 inches).

To install and maintain a 420-foot-long aerial fiber optic cable crossing of the Allegheny River adjacent to the upstream end of the Hickory Street Bridge. The Allegheny River is a perennial stream classified as a WWF.

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5A (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, your appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

ESCGP-1 # ESX09-051-0012

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Fayette Township(s) German

Receiving Stream(s) and Classification(s) UNT to Dunlap Creek, Other

ESCGP-1 # ESX09-129-0008

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Westmoreland Township(s) Sewickley

Receiving Stream(s) and Classification(s) Little Sewickley Creek, TSF, Other

ESCGP-1 # ESX09-125-0006

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Washington Township(s) West Bethlehem and Deemston  
Receiving Stream(s) and Classification(s) UNTs to Tenmile and Plum Creeks, Other

ESCGP-1 # ESX09-125-0005  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Carla Suszkowski  
Address 380 Southpointe Boulevard, Suite 300  
City Canonsburg State PA Zip Code 15317  
County Washington Township(s) Mt. Pleasant  
Receiving Stream(s) and Classification(s) UNT to Georges Run and UNT to Cross Creek, HQ and Other

ESCGP-1 # ESX09-005-0002  
Applicant Name Chief Oil & Gas, LLC  
Contact Person Michael Hirtz  
Address 6051 Wallace Road Ext., Suite 210  
City Wexford, PA 15090  
County Armstrong Township(s) Cowanshannock  
Receiving Stream(s) and Classification(s) UNT to Cowanshannock Creek, Other

ESCGP-1 # ESX09-059-0010  
Applicant Name EQT Production Company  
Contact Person David Testa  
Address 225 North Shore Drive  
City Pittsburgh, PA 15212  
County Greene Township(s) Morris  
Receiving Stream(s) and Classification(s) Browns Creek, HQ

ESCGP-1 # ESX09-111-0001  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person David A. McDougal  
Address P. O. Box 6070, 900 Pennsylvania Avenue  
City Charleston, WV 25362  
County Somerset Township(s) Shade  
Receiving Stream(s) and Classification(s) Piney Run, Laurel Run, HQ

ESCGP-1 # ESX09-125-0007  
Applicant Name Range Resources-Appalachia, LLC  
Contact Person Carla Suszkowski  
Address 380 Southpointe Boulevard, Suite 300  
City Canonsburg, PA 15317  
County Washington Township(s) Amwell  
Receiving Stream(s) and Classification(s) UNT to Redd Run, Other

ESCGP-1 # ESCGP-1-0309801  
Applicant Name Dominion Transmission, Inc.  
Contact Person Paul Ruppert  
Address 445 West Main Street  
City Clarksburg State WV Zip Code 26301  
County Westmoreland Township(s) McKean  
Receiving Seam(s) and Classification(s) Cowanshannock Creek, HQ, Beaver Run, HQ, Trib to Clarion River, CWF, Cole Run, CWF

ESCGP-1 # ESX09-125-0008  
Applicant Name Range Resources-Appalachia, LLC  
Contact Person Carla Suszkowski  
Address 380 Southpointe Boulevard, Suite 300  
City Canonsburg State PA Zip Code 15317  
County Washington Township(s) Hopewell and Buffalo  
Receiving Seam(s) and Classification(s) UNT to Brush Run, HQ

ESCGP-1 # ESX09-125-0009  
Applicant Name Antero Resources Appalachia Corporation  
Contact Person Gerard Alberts  
Address 1625 17th Street, Suite 300  
City Denver State CO Zip 80202  
County Washington Township(s) West Pike Run  
Receiving Seam(s) and Classification(s) UNT to Pike Run-TSF, Other

ESCGP-1 # ESX09-005-0003  
Applicant Name EXCO-North Coast Energy, Inc.  
Contact Person Joel Heiser  
Address 1 GOJO Plaza, Suite 325  
City Akron State OH Zip Code 44311-1057

County Armstrong Township(s) Manor  
Receiving Stream(s) and Classification(s) UNT Campbell (WWF), Other

ESCGP-1 # ESX09-129-0011  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Westmoreland Township(s) Sewickley  
Receiving Stream(s) and Classification(s) Kelly Run, Other

ESCGP-1 # ESX09-051-0017  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Fayette Township(s) Nicholson  
Receiving Stream(s) and Classification(s) UNT to Jacobs Creek, Other

ESCGP-1 # ESX09-111-0002  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person David A. McDougal  
Address P. O. Box 6070, 900 Pennsylvania  
City Charleston State WV Zip Code 25362  
County Somerset Township(s) Ogle  
Receiving Stream(s) and Classification(s) Clearshade, EV-Windber Reservoir-Clearshade Creek, HQ-CWF-UNT, CWF-Stoney Creek, WWF-Conemaugh River, WWF, EV

ESCGP-1 # ESX09-059-0013  
Applicant Name CNX Gas Company, LLC  
Contact Person Kenneth J. Kormendy  
Address 2481 John Nash Boulevard  
City Bluefield State WV Zip Code 24701  
County Greene Township(s) Morris  
Receiving Stream(s) and Classification(s) Bates Fork, HQ

ESCGP-1 # ESX09-111-0003  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person David A. McDougal  
Address P. O. Box 6070, 900 Pennsylvania  
City Charleston State WV Zip Code 25362  
County Somerset Township(s) Shade  
Receiving Stream(s) and Classification(s) UNT, CWF-Darkside Creek, CWF-Shade Creek, CWF-Stoney Creek, WWF-Conemaugh River, WWF

ESCGP-1 # ESX09-129-0012  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Westmoreland Township(s) Salem  
Receiving Stream(s) and Classification(s) UNT to Whitethorn Creek, Other

ESCGP-1 # ESX09-129-0010  
Applicant Name XTO Energy, Inc.  
Contact Person Scott B. Huntington  
Address 395 Airport Road  
City Indiana State PA Zip Code 15701  
County Westmoreland Township(s) Ligonier  
Receiving Stream(s) and Classification(s) Trib 43692 of Hannas Run, Other

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790.*

| <i>ESCP No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i>        | <i>Municipality</i> | <i>Receiving Water/Use</i>  |
|-----------------|--|----------------------|---------------------|---|
| 3509801         | EXCO-North Cost Energy Inc.<br>1 GOJO Plaza<br>Suite 325<br>Akron, OH 44311-1057 | Lackawanna<br>County | Greenboro Township  | UNT to South Branch<br>Tunkhannock Creek<br>CWF<br>and<br>UNT to Dundaff Creek<br>CWF |



## SPECIAL NOTICES

### DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE

#### **Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et seq.**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Project Location:*

| <i>Applicant</i>        | <i>Applicant Address</i>                    | <i>County</i>                             |
|-------------------------|---|---|
| Aqua Pennsylvania, Inc. | 50 Woodhaven Drive<br>White Haven, PA 18661 | South Whitehall Township<br>Lehigh County |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Aqua Pennsylvania, Inc. proposes to upgrade the community water system serving County Club Gardens. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approves the project for Categorical Exclusion.

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Project Location:*

| <i>Applicant</i>                | <i>Applicant Address</i>                     | <i>County</i>                        |
|---------------------------------|--|--------------------------------------|
| Coopersburg Municipal Authority | 5 North Main Street<br>Coopersburg, PA 18036 | Coopersburg Borough<br>Lehigh County |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Coopersburg Municipal Authority proposes distribution system upgrade consisting of asbestos mains and old shutoff valves. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approves the project for Categorical Exclusion.

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Project Location:*

| <i>Applicant</i>        | <i>Applicant Address</i>                                      | <i>County</i>                      |
|-------------------------|---|------------------------------------|
| Hazleton City Authority | 400 East Arthur<br>Gardner Parkway<br>Hazleton, PA 18201-7395 | City of Hazleton<br>Luzerne County |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Hazleton City Authority proposes numerous system improvements to include distribution main replacement along Broad and Locust Streets, along with mains in the Jeansville/ Junedale area, new tank construction and associated distribution

improvements in the McKinley Street area upgrade of the 3rd Street Pump Station, SCADA control system upgrade and reconstruction of three of the Hazleton Filtration Plant filters. The Drifton water storage tank will also be replaced. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approves the project for Categorical Exclusion.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**RES Coal, LLC, GFCC No. 17-08-15, HDL Operation, Girard Township, Clearfield County (Surveyor Run-Upper West Branch Watershed):** A no-cost construction contract has been awarded to RES Coal, LLC that will result in the reclamation of approximately 25.1 acres of abandoned mine land, the reclamation of 3,750-feet of abandoned highwall and the recovery of approximately 12,000 tons of remaining coal reserves. The site will be reclaimed and reggraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area at a rate of 400 tons per acre. A total of at least 1,560 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$175,700 which will be done at no cost to the Commonwealth. The site is located a 1/2 mile northeast of the village of Surveyor along Ridge Road on lands formerly mined and subsequently abandoned by Shawville Coal Company in the early 1960's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

[Pa.B. Doc. No. 09-1147. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site <http://www.depweb.state.pa.us> (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—New Guidance*

DEP ID: 563-2112-606. Title: Procedures for Establishing the Quantity of Water in Low-Yield Wells. Background: Technical Guidance Documents "Water Supply Replacement and Permitting" (563-2112-605) and "Water Supply Replacement and Compliance" (562-4000-101) describe the use of specific capacity and peak demand tests to evaluate the quantity of a water supply. Each guidance recommends that specific capacity tests be conducted for 1 to 3 hours at a pumping rate of 5 gpm, however many domestic wells in western Pennsylvania cannot produce at this level. To address this issue, the Department is proposing alternative methods for evaluating low-yield wells that can be used during premining and postmining, and replacement water supply pump tests.

The Department has also recognized the need for special testing procedures, which can be applied to low-yield wells that are inaccessible for water level measurements. Although these situations are rare, provisions must be made to establish the premining and postmining quantity of these water supplies. This guidance also describes appropriate procedures that may be used for testing wells under these circumstances. Written Comments: Interested persons may submit written comments on the procedures for establishing the quantity of water in low-yield wells for a period of 30 days from the publication date of this *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Gregory Shuler, P. G., Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, gshuler@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Gregory Shuler, P. G. at (717) 783-1199 or gshuler@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

#### *Final Technical Guidance*

DEP ID: 275-2101-007. Title: Best Available Technology and Other Permitting Criteria for Municipal Solid Waste landfills. Description: This final technical guidance document developed under the authority of section 6.6(c) of the Air Pollution Control Act and 25 Pa. Code §§ 127.1 and 127.12(a)(5) will apply to proposed new MSW landfills or expansions of existing landfills. This BAT determination will not be applied retroactively. The BAT requirements set forth in this document will replace the current BAT guidance document for MSW landfills. A Plan Approval is required for a new MSW landfill or for an expansion at an existing MSW landfill if the estimated VOC emissions from the new facility or from the proposed expansion are greater than or equal to 2.7 tpy before installation of an air cleaning device. A Plan Approval is also required when the MSW landfill design capacity is in excess of 1 million tons. Copies of this technical guidance document are available on the Department's public participation web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Participate) and on the Bureau of Air Quality's web site at <http://www.dep.state.pa.us/dep/deputate/airwaste/>

aq/default.htm. Contract: Virendra Trivedi, Environmental Engineer Manager, New Source Review Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468. Effective Date: This technical guidance document will be effective upon publication in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1148. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Bid Opportunity

**OSM 54(3647)101.1, Abandoned Mine Reclamation Project, Blackwood Shaft, Reilly Township, Schuylkill County.** The principal items of work and approximate quantities include mobilization and demobilization, clearing and grubbing, 15,000 cubic yards of backfilling shaft and 2.0 acres of seeding. This project issues on June 26, 2009, and bids will be opened on July 23, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977 and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1149. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Notice of Listing on the Pennsylvania Priority List of Hazardous Sites for Remedial Response; Hazardous Sites Cleanup Act

*Intercourse TCE Site, Leacock Township, Lancaster County*  
*Tomstown TCE Site, Quincy Township, Franklin County*

#### 1. Background

The Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) was enacted to provide for the cleanup of Pennsylvania sites that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA (35 P.S. § 6020.502) requires that the Department of Environmental Protection (Department) publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants, which present a substantial threat to the public health, safety and envi-

ronment. In accordance with the requirements of section 502(a) of HSCA, the Hazard Ranking System (HRS; 40 CFR Part 300, Appendix A) (HRS) established under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. §§ 9601–9675, (CERCLA), is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement, and financial capabilities when placing sites on the PAPL. HRS scores are finalized by the Department using the HRS in effect at the time the score is prepared and the proposed listing notice is issued pursuant to the statute.

The HRS was developed by the United States Environmental Protection Agency (EPA) as the method used to evaluate the relative potential of hazardous substance releases to cause health or safety problems, or ecological or environmental damage. It is the principal mechanism for placing a site on the National Priorities List (NPL), the list of priority releases for long-term remedial evaluation and response under CERCLA. The HRS is calculated by utilizing known information to establish the level of threat presented in four potential pathways of human or environmental exposure: groundwater, surface water, air and soil exposure. Within each pathway of exposure, the HRS considers three categories of factors:

- (1) Factors that indicate the presence or likelihood of a release to the environment;
- (2) Factors that indicate the nature and quantity of the substances presenting the potential threat;
- (3) Factors that indicate the human or environmental targets potentially at risk from the site.

The resultant HRS score represents an estimate of the relative probability and magnitude of harm to human populations or sensitive environments from potential exposure to hazardous substances by the groundwater, surface water, soil exposure or air pathways.

## 2. Summary and Purpose

Placement of a site on the PAPL is used to identify sites that need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the

Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

## 3. Technical Evaluation Grants under Act 108

Under section 510 of HSCA (35 P.S. § 6020.510), the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department's regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. The grant will be signed; however, the grant will not be effective until the proposed remedial response is available for public review. At that time, the municipality may proceed with the review of the Department's proposed remedial response.

## *Pennsylvania Priority List of Hazardous Sites for Remedial Response*

### A. Effective Date

The sites listed are being placed on the PAPL effective upon publication of this announcement in the *Pennsylvania Bulletin*.

### B. Contact Persons

Individual site information may be obtained by contacting the Department's regional office in which the site is located whose address can be found in the Additional Information section of this notice.

### C. Statutory Authority

The PAPL is published under the authority of section 502(a) of the HSCA. Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under the 2 Pa.C.S. § 103 (relating to Administrative Agency Law) and section 4 of the Environmental Hearing Board Act (35 P.S. § 7514), nor shall it confer a right or duty upon the Department or any person.

### D. Review and Public Comment

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the 30-day comment period for the sites being added with this publication. Written comments should be mailed to: Arthur L. Dalla Piazza, Environmental Cleanup Program, Department of Environmental Protection, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110.

The regional office site files contain all information considered by the Department in placing a site on the PAPL. Files are available for review in the appropriate regional Field Operations Office, by appointment only, from 8 a.m. to 4 p.m., Monday through Friday excluding State holidays. Contact the regional Environmental Cleanup Program Manager, whose address can be found in the Additional Information section of this notice. The Department considers all written comments received during the formal comment period. All written comments and

the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

#### E. Contents of List

This notice places two sites on the PAPL. Table 1 lists the sites added to the PAPL by this notice. The names of the sites, HRS scores, municipalities, counties and the Department regions are included in this table. Table 2 lists nine sites currently on the PAPL. Included are the sites added by this notice. The names of the sites, HRS scores, municipalities, counties and the Department's regions are included in this table. The sites are listed in decreasing order of HRS scores.

#### F. Site Listing Summaries

##### *Intercourse TCE Site*

The Intercourse TCE Site is located in Leacock Township, Lancaster County, PA. Land use in the area is commercial and residential surrounded by agriculture. From 2005-2008, residential well sampling was completed at 360 properties. Of these 360 properties, trichloroethylene (TCE) has been detected in well water at 150 properties, with 74 properties returning TCE concentrations of 5 parts per billion (ppb) to 25 ppb. Twelve properties exceed 25 ppb for TCE. TCE is listed as a probable human carcinogen by the EPA. Chronic effects on the liver, kidneys and immune and endocrine systems have been documented in humans exposed to TCE occupationally or from contaminated drinking water. The Maximum Contaminant Level (MCL) for public water supplies and the Statewide Health Standard for groundwater cleanup for TCE is 5 ppb. Except for a development that has installed a treated community water supply, residents in the area rely on private wells for their water supplies. Minimal TCE degradation products have been detected in the groundwater samples indicating that the aquifer is not inherently conducive to natural attenuation.

The Department has completed a Prompt Interim Response at the site, offering bottled water to residences with water supply TCE contamination of 5 ppb to 25 ppb. Carbon treatment systems have been offered to those residents whose water supplies are impacted with TCE over 25 ppb. To date, the Department has installed carbon treatment systems on 11 residences and is supplying bottled water to 47 residences. Two carbon treatment systems were installed on commercial facilities and are maintained by these facilities. Twenty eight residences that were eligible for the Prompt Interim Response declined the response.

The Department and its contractor, Groundwater & Environmental Services, Inc., conducted a remedial investigation that found TCE in the groundwater at levels from nondetect to 398 ppb. Major fractures/solution features were found at approximately 70–90 feet and 150–200 feet below ground surface (bgs). An electrical resistivity survey mapped saturated fractures trending generally northwest/southeast and northeast/southwest. An east/west fracture was also identified. The groundwater plume within the fractures is restricted to the area south of Old Philadelphia Pike, east of Clearview and Belmont Roads, north of Pequea Lane and west of Carriage Drive. Membrane interface probe and soil boring investigations in potential source areas did not conclusively identify a source of the groundwater contamination. No responsible party has been found and no enforcement actions have been taken.

##### *Tomstown TCE Site*

The Tomstown TCE site is located in a rural area of Quincy Township, Franklin County. The site comprises approximately 460 acres and is primarily agricultural and rural residential. An area within the village of Tomstown was being evaluated for a proposed residential subdivision. Three test wells were installed for the proposed development, and samples were collected in July 2006. The sample results revealed the presence of trichloroethylene (TCE) in groundwater at the site. The Department conducted sampling from October 2006 through March 2008 of approximately 90 private wells and several surface water springs. Twenty-nine residences and one business had VOC contamination, with TCE concentrations ranging from less than 1 ppb to 34 ppb. The Maximum Contaminant Level for public water supplies and the groundwater Statewide Health Standard for TCE is 5 ppb. It appears there is widespread groundwater contamination impacting residential private wells.

The Department initiated a Prompt Interim Response at the site in January 2007, offering bottled water to residences with water supply TCE contamination of 5 ppb to 25 ppb and carbon treatment systems to those residences with water supplies impacted with TCE over 25 ppb. To date, the Department has installed carbon treatment systems on 5 residences and is supplying bottled water to 7 residences. Four residences that were eligible for the Prompt Interim Response either declined the response or are no longer occupied.

The Department began an initial site investigation in May 2007. Eleven monitoring wells were constructed throughout the site. These wells and the impacted residential wells were sampled in August 2007. TCE was found at very low levels in four of the monitoring wells (0.03 ppb to 1 ppb). TCE levels in the residential wells were comparable to the levels found during the initial sampling in 2006. Field work on a second phase of the investigation began in February 2008. This work included the re-sampling of existing monitoring wells, test wells installed for the proposed development, and select residential wells. A geophysical investigation was conducted to locate and identify potential subsurface bedrock features, such as joints, fractures, and voids. This subsurface information can be used to better define groundwater flow pathways at the Site and how they relate to the spread of impacted groundwater to residential wells. No responsible party has been found as yet; therefore, no enforcement actions have been taken.

#### G. Additional Information

##### *Intercourse TCE Site*

The Department of Environmental Protection, Southcentral Region, John F. Krueger, Environmental Cleanup Program Manager; Arthur L. Dalla Piazza, Chief, Hazardous Sites Cleanup Program; Crystal J. Snook, Project Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

##### *Tomstown TCE Site*

The Department of Environmental Protection, Southcentral Region, John F. Krueger, Environmental Cleanup Program Manager; Arthur L. Dalla Piazza, Chief, Hazardous Sites Cleanup Program; Ruth A. Bishop, Project Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

**Table 1**  
**Sites Being Added by this Notice**

| <i>Site</i>     | <i>HRS</i> | <i>Municipality</i> | <i>County</i> | <i>DEP Region</i> |
|-----------------|------------|---------------------|---------------|-------------------|
| Intercourse TCE | 50         | Leacock Township    | Lancaster     | Southcentral      |
| Tomstown TCE    | 50         | Quincy Township     | Franklin      | Southcentral      |

**Table 2**  
**Pennsylvania Priority List for Remedial Response**

| <i>Site</i>              | <i>HRS</i> | <i>Municipality</i>  | <i>County</i>     | <i>DEP Region</i> |
|--------------------------|------------|--|-------------------|-------------------|
| Intercourse TCE          | 50         | Leacock Township   | Lancaster         | Southcentral      |
| Tomstown TCE             | 50         | Quincy Township  | Franklin          | Southcentral      |
| Dupont/New Castle        | 54.75      | New Castle   | Lawrence          | Northwest         |
| Chem Fab HSCA Site       | 39         | Doylestown Borough and Township  | Bucks             | Southeast         |
| Gettysburg Foundry       | 38.20      | Cumberland Township  | Adams             | Southcentral      |
| F. E. Cooper             | 33.62      | Broad Top Township   | Bedford           | Southcentral      |
| Bear Creek Area Chemical | 28.46      | Fairview, Parker, Concord Township, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County | Butler, Armstrong | Northwest         |
| Schiller                 | 24.65      | Richmond Township  | Crawford          | Northwest         |
| Mun. and Ind. Disp.      | 19.58      | Elizabeth Township   | Allegheny         | Southwest         |

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1150. Filed for public inspection June 26, 2009, 9:00 a.m.]

## PA Conservation Works! \$22.2 Million Funding Opportunity Available

On behalf of Governor Edward G. Rendell, Secretary Hanger announces that on June 29, 2009, the Department of Environmental Protection (Department) will open a \$22.2 million solicitation for energy efficiency and conservation and renewable energy projects for motivated local governments and nonprofit entities.

The program is administered by the Department, and funding is provided through the American Recovery and Reinvestment Act of 2009's (42 U.S.C.A. § 5301) Energy Efficiency and Conservation Block Grant Program (EECBG). At least 60% of this funding is reserved for units of local government in Pennsylvania that are not eligible for direct formula grants from the EECBG program. This includes Pennsylvania boroughs, townships and cities with fewer than 35,000 residents and counties with fewer than 200,000 residents.

For purposes of this financial assistance opportunity, eligible projects may include energy efficient lighting, including streetlight or outdoor lighting; energy efficiency retrofits of existing buildings, including high efficiency furnaces, boilers and air conditioners, combined heat and power, energy efficient ventilation systems, windows, sealing and insulation, and automated control systems; energy efficiency upgrades at wastewater treatment plants; installation of geothermal heat pump systems; premium efficiency motors and variable speed drives; and deployment of renewable energy technologies including

solar energy, wind energy, fuel cells, biomass, biogas and low-impact hydro. All projects must save or conserve a minimum of 25% of all energy used. Renewable energy projects will be eligible if the project replaces at least 25% of the building or entity's energy use.

Under this solicitation, the Department may award financial assistance in the form of grants of up to \$250,000. Multi-municipal projects (two or more units of local government sharing services and working together in the deployment of a project) may request up to \$500,000.

All projects must create jobs, be able to start work within 6 months, and be completed within 18 months and prior to September 30, 2011.

For grants under this solicitation, the following entities are eligible to apply: Pennsylvania local governments (a county, city, borough, incorporated town, township, or any other similar general purpose unit of government); bodies authorized to act on behalf of two or more local governments according to section 2316 of the Intergovernmental Cooperation Act; municipal authorities; incorporated 501(c)(3) nonprofit organizations that are also registered with the Pennsylvania Bureau of Charitable Organizations; county conservation districts; and colleges or universities.

Direct recipients of ARRA-EECBG funds are not eligible to apply.

This is a competitive solicitation. Guidelines may be viewed at [www.recovery.pa.gov](http://www.recovery.pa.gov). Applications must be submitted by means of the Environmental eGrants system at [www.grants.dcnr.state.pa.us](http://www.grants.dcnr.state.pa.us). Applications will be accepted from July 17, 2009, through August 14, 2009.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1151. Filed for public inspection June 26, 2009, 9:00 a.m.]

## Quehanna Wild Area Nuclear Site License Termination

On May 13, 2009, the Department of Environmental Protection (Department) terminated Radioactive Material License No. PA-1052 in accordance with 25 Pa. Code § 215.1(e) (relating to purpose and scope). The license encompassed residual radioactive material left behind from past operations at the facility. The facility was located in the Quehanna Wild Area of the Moshannon State Forest. The site had a long history of radioactive material use since the construction of the research reactor in 1955. Since then various tenants had been licensed to possess radioactive materials for uses including materials research, production of radio-thermal electric generators, and high activity gamma irradiation. The Department of Conservation and Natural Resources (DCNR) took final responsibility for the cleanup of the facility to allow for unrestricted future use. The Department performed a review of DCNR's Final Status Survey Results and its own confirmatory survey and concluded that the final status survey data adequately represented the final radiological conditions of the Quehanna site. The documented final conditions showed that the final conditions met the requirements for unrestricted release and provided justification to terminate the license. This termination comes following an extensive cleanup spanning more than 10 years of the affected structures and surrounding grounds. This included disposal of significant volumes of low-level radioactive waste at licensed out-of-state sites.

For additional information, concerning the Quehanna site, cleanup activities or the license termination, individuals may contact the Bureau of Radiation Protection at (717) 787-2480 or [RA-EPDecommissioning@state.pa.us](mailto:RA-EPDecommissioning@state.pa.us). Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department directly at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1152. Filed for public inspection June 26, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has re-

quested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.2.1 (relating to toilet rooms) and 2.1-3.1.1.3 (relating to windows).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1153. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-5.2.1.1(1) (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1154. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Health Research Advisory Committee Public Meetings

The Health Research Advisory Committee of the Department of Health (Department) will hold a public meeting on October 8 and October 9, 2009, from 9 a.m. to 5 p.m., on both days. The meeting will be held at the Hilton Garden Inn, Philadelphia Center City, 1100 Arch Street, Philadelphia, PA.

There are three primary aims for the meeting: (1) to hold workshops on nanotechnology and drug and alcohol abuse; (2) to hear testimony from invited presenters on other research needs and priorities; and (3) to discuss the State Fiscal Year (SFY) 2010-2011 health research priorities for the Commonwealth Universal Research Enhancement Program. Current and past SFY priorities for both formula funded and nonformula funded health research are posted on the Department's web site (<http://www.health.state.pa.us/cure>).

This meeting is open to the public. No reservations are required to attend the meeting. Those individuals who have previously submitted written testimony by the June 15, 2009, deadline may have the opportunity to address the Committee.

For additional information, contact Patricia W. Potrzebowski, Ph.D., Director, Bureau of Health Statistics and Research or Violet Witmer at 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914 or (717) 783-2548.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Patricia Potrzebowski or Violet Witmer at the previously listed telephone number for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1155. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, July 15, 2009, and on Thursday, July 16, 2009.

The meetings will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050 on Wednesday, July 15 from 9 a.m. until 4 p.m. and on Thursday, July 16 from 9 a.m. until 2:30 p.m.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1156. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Integrated Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, July 14, 2009.

The meeting will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050, from 9 a.m. to 2 p.m.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Joseph Pease at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1157. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Long-Term Care Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Grandview Health Homes, Inc.  
49 Woodbine Lane  
Danville, PA 17821  
Facility ID: 591602

The request is on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1158. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Friday, July 31, 2009, from 10 a.m. to 3 p.m. The meeting will be held at the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information or persons with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-5876 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1159. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Sexual Assault Victim Emergency Services Regulation

On January 26, 2008, the Department of Health (Department) published a Notice of Final Rulemaking in the *Pennsylvania Bulletin* for the Sexual Assault Victim Emergency Services Regulation. See 38 Pa.B. 573 (January 26, 2008). The Sexual Assault Victim Emergency Services Regulation became effective on January 26, 2008, and amended the Department's regulations at 28

Pa. Code Part IV, Subpart B (relating to general and special hospitals), to add specific requirements for hospitals relating to the provision of sexual assault emergency services. See 28 Pa. Code §§ 117.51—117.58 (relating to sexual assault victim emergency services).

Hospitals that decide they may not provide emergency contraception due to a stated religious or moral belief contrary to providing such medication are required to give notice to the Department of the decision. See 28 Pa. Code § 117.57 (relating to religious or moral exemptions). Hospitals that refer all emergency patients to other hospitals after institution of essential life-saving measures and decide not to provide any sexual assault emergency services are required to give notice to the Department of the decision. See 28 Pa. Code § 117.58 (relating to exemption for hospitals providing limited emergency services).

Sections 117.57(1)(ii) and 117.58(1)(ii) of 28 Pa. Code that the Department will annually publish the lists of hospitals in the *Pennsylvania Bulletin* that have chosen not to provide emergency contraception under 28 Pa. Code § 117.57 or any sexual assault emergency services under 28 Pa. Code § 117.58. The following lists are published in accordance with those provisions and do not create any new obligations for hospitals or relieve hospitals of any existing obligations.

### Hospitals That May Not Provide Emergency Contraception

Under 28 Pa. Code § 117.57(1)(ii), the Department publishes the following list of hospitals that have provided notice to the Department that the hospital may not provide emergency contraception due to a stated religious or moral belief:

| Hospital Name                                       | City, Zip Code      |
|---|---------------------|
| Altoona Regional Health System (Bon Secours Campus) | Altoona, 16601      |
| Jersey Shore Hospital                               | Jersey Shore, 17740 |
| Mercy Fitzgerald Hospital                           | Darby, 19023        |
| Mercy Hospital Scranton                             | Scranton, 18501     |
| Mercy Jeannette                                     | Jeannette, 15644    |
| Mercy Philadelphia Hospital                         | Philadelphia, 19143 |
| Mercy Suburban Hospital                             | Norristown, 19401   |
| Nazareth Hospital                                   | Philadelphia, 19152 |
| Muncy Valley Hospital                               | Muncy, 17756        |
| St. Mary Medical Center                             | Langhorne, 19047    |
| UPMC Mercy Hospital                                 | Pittsburgh, 15219   |
| Williamsport Hospital                               | Williamsport, 17701 |

### Hospitals That May Not Provide Any Sexual Assault Emergency Services

Under 28 Pa. Code § 117.58(1)(ii), the Department publishes the following list of hospitals that have provided notice to the Department that the hospital may not provide any sexual assault emergency services due to the limited services provided by the hospital:

| Hospital Name  | City, Zip Code  |
|--|-----------------|
| Allied Services Institute of Rehabilitation—Scranton | Scranton, 18501 |



| <b>Hospital Name</b>  | <b>City, Zip Code</b>          | <b>Description</b>   | <b>Maximum Allowable Price</b> |
|---|--------------------------------|--|--------------------------------|
| John Heinz Institute of Rehabilitation Medicine—Wilkes-Barre  | Wilkes-Barre Township, 18702   |  |                                |
| Shamokin Area Community Hospital  | Coal Township, 17866-9697      |  |                                |
| St. Agnes Long-Term Acute Care Hospital   | Philadelphia, 19145            |  |                                |
| Additional information regarding the Sexual Assault Victim Emergency Services Regulation and emergency contraception, and an up-to-date list of hospitals not providing emergency contraception under 28 Pa. Code § 117.57 or not providing any sexual assault emergency services under 28 Pa. Code § 117.58, is available on the Department's web site, <a href="http://www.health.state.pa.us">www.health.state.pa.us</a> . Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Joanne Salsgiver, Acting Director of the Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-8980, fax (717) 772-2163 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984. |                                |  |                                |
| The publishing in the <i>Pennsylvania Bulletin</i> or on the Department's web site of the lists of hospitals not providing emergency contraception under 28 Pa. Code § 117.57, or not providing any sexual assault emergency services under 28 Pa. Code § 117.58, shall not be deemed an acknowledgement or confirmation by the Department that the hospitals are in compliance with the requirements of the regulations.   |                                |  |                                |
| EVERETTE JAMES,<br><i>Secretary</i>   |                                |  |                                |
| [Pa.B. Doc. No. 09-1160. Filed for public inspection June 26, 2009, 9:00 a.m.]  |                                |  |                                |
| <b>Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices</b>  |                                |  |                                |
| <b>Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties</b>   |                                |  |                                |
| Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; terms and conditions of participation) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.  |                                |  |                                |
| <b>Maximum Allowable Prices</b>   |                                |  |                                |
| Effective July 1, 2009, through September 30, 2009, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:  |                                |  |                                |
| <i>Description</i>  | <i>Maximum Allowable Price</i> |  |                                |
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim .....   | \$2.15                         | 16 oz. Dry Milk .....  | \$6.03                         |
| 12 oz. Evaporated Milk .....  | \$1.21                         | 1 qt. Lactose Reduced Milk .....   | \$2.09                         |
|   |                                | 1/2 gal. Kosher Milk .....   | \$2.22                         |
|   |                                | 4 oz. Kosher Infant Juice .....  | \$0.65                         |
|   |                                | 8 oz. Kosher Infant Cereal .....   | \$1.90                         |
|   |                                | 1 doz. Grade A Eggs .....  | \$1.58                         |
|   |                                | 1 lb. Fresh Carrots .....  | \$1.08                         |
|   |                                | 14 to 16 oz. Canned Carrots .....  | \$1.08                         |
|   |                                | 1 lb. Cheese .....   | \$6.17                         |
|   |                                | 1 lb. Kosher Cheese .....  | \$6.17                         |
|   |                                | 1 lb. Dry Beans or Peas .....  | \$1.90                         |
|   |                                | 1 oz. Adult WIC Cereal .....   | \$0.32                         |
|   |                                | 8 oz. Gerber Infant Cereal .....   | \$1.90                         |
|   |                                | 15 to 18 oz. Peanut Butter .....   | \$3.13                         |
|   |                                | 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....                     | \$3.18                         |
|   |                                | 6 oz. Cans Juice .....   | \$1.70                         |
|   |                                | 5 to 6.5 oz. Chunk Light Tuna Packed in Water .....  | \$1.18                         |
|   |                                | 4 oz. Gerber Infant Juice .....  | \$0.65                         |
|   |                                | 32 oz. Alimentum Advance Ready-to-Feed Formula .....                                       | \$8.91                         |
|   |                                | 16 oz. Alimentum Advance Powder Formula ...  | \$25.27                        |
|   |                                | 8 oz. Boost Ready-to-Feed Formula .....  | \$2.00                         |
|   |                                | 12.8 oz. EnfaCare LIPIL w/Iron Powder Formula .....  | \$13.86                        |
|   |                                | 13 oz. Enfamil LIPIL Concentrate Formula ...   | \$4.38                         |
|   |                                | 32 oz. Enfamil LIPIL Ready-to-Feed Formula ..  | \$6.57                         |
|   |                                | 12.9 oz. Enfamil LIPIL Powder Formula .....  | \$13.35                        |
|   |                                | 32 oz. Isomil DF Ready-to-Feed Formula .....   | \$6.21                         |
|   |                                | 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label .....                     | \$13.17                        |
|   |                                | 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label .....                | \$4.21                         |
|   |                                | 32 oz. Nestle Good Start Gentle PLUS Ready To Feed Formula—Orange label .....              | \$6.35                         |
|   |                                | 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label .....                        | \$13.73                        |
|   |                                | 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label .....                     | \$4.46                         |
|   |                                | 32 oz. Nestle Good Start Soy PLUS Ready-to-Feed Formula—Blue label .....                   | \$6.56                         |
|   |                                | 12 oz. Nestle Good Start Protect PLUS Powder Formula—Green label .....                     | \$14.02                        |
|   |                                | 12 oz. Nestle Good Start Nourish PLUS Powder Formula—Purple label .....                    | \$10.79                        |
|   |                                | 24 oz. Nestle Good Start Gentle PLUS 2 Powder Formula—blue label with orange letters ..... | \$20.56                        |
|   |                                | 24 oz. Nestle Good Start Soy PLUS 2 Powder Formula—blue label with blue letters .....      | \$20.63                        |
|   |                                | 24 oz. Nestle Good Start Protect PLUS 2 Powder Formula—blue label with green letters ..... | \$24.91                        |
|   |                                | 13 oz. Nutramigen Lipil Concentrate Formula ..   | \$7.01                         |
|   |                                | 32 oz. Nutramigen Lipil Ready-to-Feed Formula .....  | \$8.98                         |
|   |                                | 16 oz. Nutramigen Lipil Powder Formula .....   | \$25.26                        |
|   |                                | 8 oz. Pediasure Ready-to-Feed Formula .....  | \$1.80                         |
|   |                                | 8 oz. Pediasure with Fiber Ready-to-Feed Formula .....                                     | \$1.84                         |
|   |                                | 13 oz. Similac Advance Concentrate Formula ..  | \$4.32                         |
|   |                                | 32 oz. Similac Advance Ready-to-Feed Formula .....   | \$6.25                         |
|   |                                | 12.9 oz. Similac Advance Powder Formula .....  | \$13.20                        |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| 12.8 oz. Similac Neosure with Iron Powder Formula.....      | \$15.03                        |
| 32 oz. Similac Neosure with Iron Ready-to-Feed Formula..... | \$7.40                         |
| 13 oz. Store Brand Concentrate Formula .....                | \$2.84                         |
| 32 oz. Store Brand Ready-to-Feed Formula ....               | \$3.79                         |
| 25.75 oz. Store Brand Powder Formula .....                  | \$15.86                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2009, through September 30, 2009, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim .....                | \$2.01                    |
| 1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim.....          | \$2.10                    |
| 12 oz. Evaporated Milk.....  | \$1.14                    |
| 16 oz. Dry Milk.....   | \$5.89                    |
| 1 doz. Grade A Eggs.....   | \$1.51                    |
| 1 lb. Fresh Carrots.....   | \$1.06                    |
| 14 to 16 oz. Canned Carrots .....  | \$1.06                    |
| 1 lb. Cheese .....   | \$5.61                    |
| 1 lb. Kosher Cheese .....  | \$5.61                    |
| 1 lb. Dry Beans or Peas .....  | \$1.71                    |
| 1 oz. Adult WIC Cereal.....  | \$0.32                    |
| 8 oz. Gerber Infant Cereal.....  | \$1.90                    |
| 15 to 18 oz. Peanut Butter.....  | \$2.83                    |
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....      | \$2.84                    |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water .....                        | \$1.10                    |
| 4 oz. Gerber Infant Juice .....  | \$0.65                    |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....      | \$13.17                   |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label..... | \$4.21                    |
| 32 oz. Nestle Good Start Gentle PLUS RTF Formula—Orange label.....         | \$6.35                    |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label .....        | \$13.73                   |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label .....     | \$4.46                    |
| 32 oz. Nestle Good Start Soy PLUS RTF Formula—Blue label .....             | \$6.56                    |

### Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

### Maximum Allowable Prices

Effective July 1, 2009, through September 30, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim .....                               | \$2.15                         |
| 12 oz. Evaporated Milk.....   | \$1.34                         |
| 16 oz. Dry Milk.....  | \$6.45                         |
| 1 qt. Lactose Reduced Milk .....  | \$2.34                         |
| 1/2 gal. Kosher Milk .....  | \$2.22                         |
| 4 oz. Kosher Infant Juice .....   | \$0.68                         |
| 8 oz. Kosher Infant Cereal.....   | \$1.98                         |
| 1 doz. Grade A Eggs.....  | \$1.59                         |
| 1 lb. Fresh Carrots.....  | \$1.19                         |
| 14 to 16 oz. Canned Carrots .....   | \$1.19                         |
| 1 lb. Cheese .....  | \$6.17                         |
| 1 lb. Kosher Cheese .....   | \$6.17                         |
| 1 lb. Dry Beans or Peas .....   | \$2.03                         |
| 1 oz. Adult WIC Cereal.....   | \$0.33                         |
| 8 oz. Gerber Infant Cereal.....   | \$1.98                         |
| 15 to 18 oz. Peanut Butter.....   | \$3.13                         |
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....                     | \$3.37                         |
| 6 oz. Cans Juice .....  | \$1.70                         |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water .....                                       | \$1.20                         |
| 4 oz. Gerber Infant Juice .....   | \$0.68                         |
| 32 oz. Alimentum Advance Ready-to-Feed Formula.....                                       | \$9.43                         |
| 16 oz. Alimentum Advance Powder Formula ...   | \$26.86                        |
| 8 oz. Boost Ready-to-Feed Formula.....  | \$2.00                         |
| 12.8 oz. EnfaCare LIPIL w/Iron Powder Formula.....  | \$14.44                        |
| 13 oz. Enfamil LIPIL Concentrate Formula ....   | \$4.55                         |
| 32 oz. Enfamil LIPIL Ready-to-Feed Formula ..   | \$6.70                         |
| 12.9 oz. Enfamil LIPIL Powder Formula .....   | \$13.88                        |
| 32 oz. Isomil DF Ready-to-Feed Formula .....  | \$6.34                         |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....                     | \$13.17                        |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label.....                | \$4.73                         |
| 32 oz. Nestle Good Start Gentle PLUS Ready To Feed Formula—Orange label.....              | \$6.57                         |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label .....                       | \$13.87                        |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label .....                    | \$4.90                         |
| 32 oz. Nestle Good Start Soy PLUS Ready-to-Feed Formula—Blue label .....                  | \$6.91                         |
| 12 oz. Nestle Good Start Protect PLUS Powder Formula—Green label.....                     | \$14.76                        |
| 12 oz. Nestle Good Start Nourish PLUS Powder Formula—Purple label .....                   | \$10.79                        |
| 24 oz. Nestle Good Start Gentle PLUS 2 Powder Formula—blue label with orange letters..... | \$22.19                        |
| 24 oz. Nestle Good Start Soy PLUS 2 Powder Formula—blue label with blue letters .....     | \$22.19                        |
| 24 oz. Nestle Good Start Protect PLUS 2 Powder Formula—blue label with green letters..... | \$25.99                        |
| 13 oz. Nutramigen Lipil Concentrate Formula ..  | \$7.30                         |
| 32 oz. Nutramigen Lipil Ready-to-Feed Formula.....  | \$9.20                         |

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| 16 oz. Nutramigen Lipil Powder Formula .....                 | \$26.93                        |
| 8 oz. Pediasure Ready-to-Feed Formula .....                  | \$2.13                         |
| 8 oz. Pediasure with Fiber Ready-to-Feed Formula .....       | \$2.09                         |
| 13 oz. Similac Advance Concentrate Formula ..                | \$4.49                         |
| 32 oz. Similac Advance Ready-to-Feed Formula .....           | \$6.38                         |
| 12.9 oz. Similac Advance Powder Formula .....                | \$13.72                        |
| 12.8 oz. Similac Neosure with Iron Powder Formula .....      | \$15.89                        |
| 32 oz. Similac Neosure with Iron Ready-to-Feed Formula ..... | \$7.65                         |
| 13 oz. Store Brand Concentrate Formula .....                 | \$2.89                         |
| 32 oz. Store Brand Ready-to-Feed Formula ....                | \$3.86                         |
| 25.75 oz. Store Brand Powder Formula .....                   | \$16.99                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2009, through September 30, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

| <i>Description</i>  | <i>Competitive Prices</i> |
|---|---------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim .....                 | \$2.01                    |
| 1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim .....          | \$2.10                    |
| 12 oz. Evaporated Milk .....  | \$1.26                    |
| 16 oz. Dry Milk .....   | \$6.44                    |
| 1 doz. Grade A Eggs .....   | \$1.51                    |
| 1 lb. Fresh Carrots .....   | \$1.16                    |
| 14 to 16 oz. Canned Carrots .....   | \$1.16                    |
| 1 lb. Cheese .....  | \$5.61                    |
| 1 lb. Kosher Cheese .....   | \$5.61                    |
| 1 lb. Dry Beans or Peas .....   | \$1.80                    |
| 1 oz. Adult WIC Cereal .....  | \$0.33                    |
| 8 oz. Gerber Infant Cereal .....  | \$1.98                    |
| 15 to 18 oz. Peanut Butter .....  | \$2.83                    |
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....      | \$3.06                    |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water .....                         | \$1.13                    |
| 4 oz. Gerber Infant Juice .....   | \$0.68                    |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label .....      | \$13.17                   |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label ..... | \$4.73                    |
| 32 oz. Nestle Good Start Gentle PLUS RTF Formula—Orange label .....         | \$6.57                    |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label .....         | \$13.87                   |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label .....      | \$4.90                    |

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| 32 oz. Nestle Good Start Soy PLUS RTF Formula—Blue label ..... | \$6.91                    |

### Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

### Maximum Allowable Prices

Effective July 1, 2009, through September 30, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim .....                   | \$2.15                         |
| 12 oz. Evaporated Milk .....  | \$1.40                         |
| 16 oz. Dry Milk .....   | \$7.44                         |
| 1 qt. Lactose Reduced Milk .....  | \$2.34                         |
| 1/2 gal. Kosher Milk .....  | \$2.95                         |
| 4 oz. Kosher Infant Juice .....   | \$0.74                         |
| 8 oz. Kosher Infant Cereal .....  | \$2.26                         |
| 1 doz. Grade A Eggs .....   | \$1.82                         |
| 1 lb. Fresh Carrots .....   | \$1.19                         |
| 14 to 16 oz. Canned Carrots .....   | \$1.19                         |
| 1 lb. Cheese .....  | \$6.17                         |
| 1 lb. Kosher Cheese .....   | \$7.02                         |
| 1 lb. Dry Beans or Peas .....   | \$2.03                         |
| 1 oz. Adult WIC Cereal .....  | \$0.36                         |
| 8 oz. Gerber Infant Cereal .....  | \$2.26                         |
| 15 to 18 oz. Peanut Butter .....  | \$3.13                         |
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....        | \$3.37                         |
| 6 oz. Cans Juice .....  | \$1.70                         |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water .....                           | \$1.20                         |
| 4 oz. Gerber Infant Juice .....   | \$0.74                         |
| 32 oz. Alimentum Advance Ready-to-Feed Formula .....                          | \$9.48                         |
| 16 oz. Alimentum Advance Powder Formula ...                                   | \$26.99                        |
| 8 oz. Boost Ready-to-Feed Formula .....                                       | \$2.00                         |
| 12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula .....                          | \$15.19                        |
| 13 oz. Enfamil LIPIL Concentrate Formula ....                                 | \$5.24                         |
| 32 oz. Enfamil LIPIL Ready-to-Feed Formula ..                                 | \$7.54                         |
| 12.9 oz. Enfamil LIPIL Powder Formula .....                                   | \$15.19                        |
| 32 oz. Isomil DF Ready-to-Feed Formula .....                                  | \$8.19                         |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label .....        | \$13.17                        |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label .....   | \$4.85                         |
| 32 oz. Nestle Good Start Gentle PLUS Ready To Feed Formula—Orange label ..... | \$6.94                         |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label .....           | \$14.49                        |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label .....        | \$5.12                         |
| 32 oz. Nestle Good Start Soy PLUS Ready-to-Feed Formula—Blue label .....      | \$7.28                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> | <i>Description</i>   | <i>Competitive Prices</i> |
|---|--------------------------------|--|---------------------------|
| 12 oz. Nestle Good Start Protect PLUS Powder Formula—Green label.....                     | \$14.77                        | 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....      | \$3.12                    |
| 12 oz. Nestle Good Start Nourish PLUS Powder Formula—Purple label.....                    | \$10.79                        | 5 to 6.5 oz. Chunk Light Tuna Packed in Water.....                         | \$1.13                    |
| 24 oz. Nestle Good Start Gentle PLUS 2 Powder Formula—blue label with orange letters..... | \$22.76                        | 4 oz. Gerber Infant Juice.....   | \$0.74                    |
| 24 oz. Nestle Good Start Soy PLUS 2 Powder Formula—blue label with blue letters.....      | \$22.19                        | 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....      | \$13.17                   |
| 24 oz. Nestle Good Start Protect PLUS 2 Powder Formula—blue label with green letters..... | \$25.99                        | 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label..... | \$4.85                    |
| 13 oz. Nutramigen Lipil Concentrate Formula ..  | \$7.82                         | 32 oz. Nestle Good Start Gentle PLUS RTF Formula—Orange label.....         | \$6.94                    |
| 32 oz. Nutramigen Lipil Ready-to-Feed Formula.....  | \$9.38                         | 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label.....         | \$14.49                   |
| 16 oz. Nutramigen Lipil Powder Formula.....   | \$28.36                        | 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label.....      | \$5.12                    |
| 8 oz. Pediasure Ready-to-Feed Formula.....  | \$2.58                         | 32 oz. Nestle Good Start Soy PLUS RTF Formula—Blue label.....              | \$7.28                    |
| 8 oz. Pediasure with Fiber Ready-to-Feed Formula.....                                     | \$2.63                         |  |                           |
| 13 oz. Similac Advance Concentrate Formula ..   | \$5.17                         |  |                           |
| 32 oz. Similac Advance Ready-to-Feed Formula.....   | \$7.18                         |  |                           |
| 12.9 oz. Similac Advance Powder Formula.....  | \$15.02                        |  |                           |
| 12.8 oz. Similac Neosure with Iron Powder Formula.....                                    | \$15.89                        |  |                           |
| 32 oz. Similac Neosure with Iron Ready-to-Feed Formula.....                               | \$9.23                         |  |                           |
| 13 oz. Store Brand Concentrate Formula.....   | \$3.10                         |  |                           |
| 32 oz. Store Brand Ready-to-Feed Formula.....   | \$4.32                         |  |                           |
| 25.75 oz. Store Brand Powder Formula.....   | \$17.99                        |  |                           |

#### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

#### Maximum Allowable Prices

Effective July 1, 2009, through September 30, 2009, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

#### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2009, through September 30, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

| <i>Description</i>  | <i>Competitive Prices</i> | <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|---------------------------|---|--------------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim.....        | \$2.01                    | 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim.....            | \$2.32                         |
| 1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim..... | \$2.95                    | 12 oz. Evaporated Milk.....   | \$1.31                         |
| 12 oz. Evaporated Milk.....                                       | \$1.33                    | 16 oz. Dry Milk.....  | \$6.03                         |
| 16 oz. Dry Milk.....  | \$7.44                    | 1 qt. Lactose Reduced Milk.....                                       | \$2.23                         |
| 1 doz. Grade A Eggs.....  | \$1.76                    | 1/2 gal. Kosher Milk.....   | \$2.22                         |
| 1 lb. Fresh Carrots.....  | \$1.16                    | 4 oz. Kosher Infant Juice.....  | \$0.67                         |
| 14 to 16 oz. Canned Carrots.....                                  | \$1.16                    | 8 oz. Kosher Infant Cereal.....                                       | \$1.96                         |
| 1 lb. Cheese.....   | \$5.61                    | 1 doz. Grade A Eggs.....  | \$1.74                         |
| 1 lb. Kosher Cheese.....  | \$6.87                    | 1 lb. Fresh Carrots.....  | \$1.11                         |
| 1 lb. Dry Beans or Peas.....                                      | \$1.80                    | 14 to 16 oz. Canned Carrots.....                                      | \$1.11                         |
| 1 oz. Adult WIC Cereal.....                                       | \$0.36                    | 1 lb. Cheese.....   | \$6.23                         |
| 8 oz. Gerber Infant Cereal.....                                   | \$2.26                    | 1 lb. Kosher Cheese.....  | \$6.23                         |
| 15 to 18 oz. Peanut Butter.....                                   | \$2.83                    | 1 lb. Dry Beans or Peas.....  | \$2.13                         |
|   |                           | 1 oz. Adult WIC Cereal.....   | \$0.33                         |
|   |                           | 8 oz. Gerber Infant Cereal.....                                       | \$1.96                         |
|   |                           | 15 to 18 oz. Peanut Butter.....                                       | \$3.35                         |
|   |                           | 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate..... | \$3.36                         |
|   |                           | 6 oz. Cans Juice.....   | \$1.70                         |
|   |                           | 5 to 6.5 oz. Chunk Light Tuna Packed in Water.....                    | \$1.28                         |
|   |                           | 4 oz. Gerber Infant Juice.....  | \$0.67                         |
|   |                           | 32 oz. Alimentum Advance Ready-to-Feed Formula.....                   | \$9.18                         |
|   |                           | 16 oz. Alimentum Advance Powder Formula ..                            | \$26.21                        |
|   |                           | 8 oz. Boost Ready-to-Feed Formula.....                                | \$2.00                         |
|   |                           | 12.8 oz. EnfaCare LIPIL w/Iron Powder Formula.....                    | \$14.39                        |
|   |                           | 13 oz. Enfamil LIPIL Concentrate Formula.....                         | \$4.49                         |
|   |                           | 32 oz. Enfamil LIPIL Ready-to-Feed Formula ..                         | \$6.66                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> | <i>Description</i>   | <i>Competitive Prices</i> |
|---|--------------------------------|--|---------------------------|
| 12.9 oz. Enfamil LIPIL Powder Formula.....  | \$13.76                        | 12 oz. Evaporated Milk.....  | \$1.21                    |
| 32 oz. Isomil DF Ready-to-Feed Formula.....   | \$6.32                         | 16 oz. Dry Milk.....   | \$5.89                    |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....                     | \$13.17                        | 1 doz. Grade A Eggs.....   | \$1.67                    |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label.....                | \$4.48                         | 1 lb. Fresh Carrots.....   | \$1.08                    |
| 32 oz. Nestle Good Start Gentle PLUS Ready To Feed Formula—Orange label.....              | \$6.49                         | 14 to 16 oz. Canned Carrots.....   | \$1.08                    |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label.....                        | \$13.89                        | 1 lb. Cheese.....  | \$5.68                    |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label.....                     | \$4.64                         | 1 lb. Kosher Cheese.....   | \$5.68                    |
| 32 oz. Nestle Good Start Soy PLUS Ready-to-Feed Formula—Blue label.....                   | \$6.64                         | 1 lb. Dry Beans or Peas.....   | \$1.87                    |
| 12 oz. Nestle Good Start Protect PLUS Powder Formula—Green label.....                     | \$14.21                        | 1 oz. Adult WIC Cereal.....  | \$0.33                    |
| 12 oz. Nestle Good Start Nourish PLUS Powder Formula—Purple label.....                    | \$10.79                        | 8 oz. Gerber Infant Cereal.....  | \$1.96                    |
| 24 oz. Nestle Good Start Gentle PLUS 2 Powder Formula—blue label with orange letters..... | \$21.44                        | 15 to 18 oz. Peanut Butter.....  | \$3.00                    |
| 24 oz. Nestle Good Start Soy PLUS 2 Powder Formula—blue label with blue letters.....      | \$21.65                        | 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....      | \$3.00                    |
| 24 oz. Nestle Good Start Protect PLUS 2 Powder Formula—blue label with green letters..... | \$25.11                        | 5 to 6.5 oz. Chunk Light Tuna Packed in Water.....                         | \$1.18                    |
| 13 oz. Nutramigen Lipil Concentrate Formula.....  | \$7.17                         | 4 oz. Gerber Infant Juice.....   | \$0.67                    |
| 32 oz. Nutramigen Lipil Ready-to-Feed Formula.....  | \$9.02                         | 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....      | \$13.17                   |
| 16 oz. Nutramigen Lipil Powder Formula.....   | \$26.02                        | 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label..... | \$4.48                    |
| 8 oz. Pediasure Ready-to-Feed Formula.....  | \$1.85                         | 32 oz. Nestle Good Start Gentle PLUS RTF Formula—Orange label.....         | \$6.49                    |
| 8 oz. Pediasure with Fiber Ready-to-Feed Formula.....                                     | \$1.92                         | 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label.....         | \$13.89                   |
| 13 oz. Similac Advance Concentrate Formula.....   | \$4.43                         | 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label.....      | \$4.64                    |
| 32 oz. Similac Advance Ready-to-Feed Formula.....   | \$6.34                         | 32 oz. Nestle Good Start Soy PLUS RTF Formula—Blue label.....              | \$6.64                    |
| 12.9 oz. Similac Advance Powder Formula.....  | \$13.60                        |  |                           |
| 12.8 oz. Similac Neosure with Iron Powder Formula.....                                    | \$15.60                        |  |                           |
| 32 oz. Similac Neosure with Iron Ready-to-Feed Formula.....                               | \$7.62                         |  |                           |
| 13 oz. Store Brand Concentrate Formula.....   | \$2.87                         |  |                           |
| 32 oz. Store Brand Ready-to-Feed Formula.....   | \$3.85                         |  |                           |
| 25.75 oz. Store Brand Powder Formula.....   | \$16.19                        |  |                           |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2009, through September 30, 2009, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

| <i>Description</i>  | <i>Competitive Prices</i> |
|---|---------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim.....        | \$2.16                    |
| 1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim..... | \$2.10                    |

### Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

### Maximum Allowable Prices

Effective July 1, 2009, through September 30, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim..... | \$2.32                         |
| 12 oz. Evaporated Milk.....                                | \$1.40                         |
| 16 oz. Dry Milk.....                                       | \$6.45                         |
| 1 qt. Lactose Reduced Milk.....                            | \$2.34                         |
| 1/2 gal. Kosher Milk.....                                  | \$2.22                         |
| 4 oz. Kosher Infant Juice.....                             | \$0.71                         |
| 8 oz. Kosher Infant Cereal.....                            | \$2.12                         |
| 1 doz. Grade A Eggs.....                                   | \$1.75                         |
| 1 lb. Fresh Carrots.....                                   | \$1.19                         |
| 14 to 16 oz. Canned Carrots.....                           | \$1.19                         |
| 1 lb. Cheese.....  | \$6.23                         |
| 1 lb. Kosher Cheese.....                                   | \$6.23                         |
| 1 lb. Dry Beans or Peas.....                               | \$2.13                         |
| 1 oz. Adult WIC Cereal.....                                | \$0.35                         |
| 8 oz. Gerber Infant Cereal.....                            | \$2.12                         |
| 15 to 18 oz. Peanut Butter.....                            | \$3.35                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....                     | \$3.41                         |
| 6 oz. Cans Juice .....  | \$1.78                         |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water .....                                       | \$1.28                         |
| 4 oz. Gerber Infant Juice .....   | \$0.71                         |
| 32 oz. Alimentum Advance Ready-to-Feed Formula.....                                       | \$9.74                         |
| 16 oz. Alimentum Advance Powder Formula ...   | \$27.51                        |
| 8 oz. Boost Ready-to-Feed Formula.....  | \$2.00                         |
| 12.8 oz. EnfaCare LIPIL w/Iron Powder Formula.....  | \$15.30                        |
| 13 oz. Enfamil LIPIL Concentrate Formula ....   | \$4.76                         |
| 32 oz. Enfamil LIPIL Ready-to-Feed Formula ..   | \$7.05                         |
| 12.9 oz. Enfamil LIPIL Powder Formula.....  | \$14.61                        |
| 32 oz. Isomil DF Ready-to-Feed Formula .....  | \$6.34                         |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....                     | \$13.17                        |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label.....                | \$4.78                         |
| 32 oz. Nestle Good Start Gentle PLUS Ready To Feed Formula—Orange label.....              | \$6.86                         |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label .....                       | \$14.47                        |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label .....                    | \$4.95                         |
| 32 oz. Nestle Good Start Soy PLUS Ready-to-Feed Formula—Blue label .....                  | \$6.91                         |
| 12 oz. Nestle Good Start Protect PLUS Powder Formula—Green label.....                     | \$14.85                        |
| 12 oz. Nestle Good Start Nourish PLUS Powder Formula—Purple label .....                   | \$10.79                        |
| 24 oz. Nestle Good Start Gentle PLUS 2 Powder Formula—blue label with orange letters..... | \$22.19                        |
| 24 oz. Nestle Good Start Soy PLUS 2 Powder Formula—blue label with blue letters .....     | \$22.34                        |
| 24 oz. Nestle Good Start Protect PLUS 2 Powder Formula—blue label with green letters..... | \$26.05                        |
| 13 oz. Nutramigen Lipil Concentrate Formula ..  | \$7.51                         |
| 32 oz. Nutramigen Lipil Ready-to-Feed Formula.....  | \$9.20                         |
| 16 oz. Nutramigen Lipil Powder Formula.....   | \$27.39                        |
| 8 oz. PediaSure Ready-to-Feed Formula.....  | \$2.29                         |
| 8 oz. PediaSure with Fiber Ready-to-Feed Formula.....                                     | \$2.22                         |
| 13 oz. Similac Advance Concentrate Formula ..   | \$4.70                         |
| 32 oz. Similac Advance Ready-to-Feed Formula .....  | \$6.71                         |
| 12.9 oz. Similac Advance Powder Formula .....   | \$14.44                        |
| 12.8 oz. Similac Neosure with Iron Powder Formula.....                                    | \$16.68                        |
| 32 oz. Similac Neosure with Iron Ready-to-Feed Formula.....                               | \$7.93                         |
| 13 oz. Store Brand Concentrate Formula .....  | \$2.95                         |
| 32 oz. Store Brand Ready-to-Feed Formula .....  | \$4.05                         |
| 25.75 oz. Store Brand Powder Formula.....   | \$16.99                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2009, through September 30, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim .....                | \$2.16                    |
| 1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim.....          | \$2.10                    |
| 12 oz. Evaporated Milk.....  | \$1.30                    |
| 16 oz. Dry Milk.....   | \$6.44                    |
| 1 doz. Grade A Eggs.....   | \$1.67                    |
| 1 lb. Fresh Carrots.....   | \$1.16                    |
| 14 to 16 oz. Canned Carrots .....  | \$1.16                    |
| 1 lb. Cheese .....   | \$5.68                    |
| 1 lb. Kosher Cheese .....  | \$5.68                    |
| 1 lb. Dry Beans or Peas .....  | \$1.87                    |
| 1 oz. Adult WIC Cereal.....  | \$0.35                    |
| 8 oz. Gerber Infant Cereal.....  | \$2.12                    |
| 15 to 18 oz. Peanut Butter.....  | \$3.00                    |
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....      | \$3.15                    |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water .....                        | \$1.18                    |
| 4 oz. Gerber Infant Juice .....  | \$0.71                    |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....      | \$13.17                   |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label..... | \$4.78                    |
| 32 oz. Nestle Good Start Gentle PLUS RTF Formula—Orange label.....         | \$6.86                    |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label .....        | \$14.47                   |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label .....     | \$4.95                    |
| 32 oz. Nestle Good Start Soy PLUS RTF Formula—Blue label .....             | \$6.91                    |

### Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

### Maximum Allowable Prices

Effective July 1, 2009, through September 30, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim ..... | \$2.54                         |
| 12 oz. Evaporated Milk.....                                 | \$1.40                         |
| 16 oz. Dry Milk.....  | \$7.44                         |
| 1 qt. Lactose Reduced Milk .....                            | \$2.34                         |
| 1/2 gal. Kosher Milk .....                                  | \$2.95                         |
| 4 oz. Kosher Infant Juice.....                              | \$0.81                         |
| 8 oz. Kosher Infant Cereal.....                             | \$2.44                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| 1 doz. Grade A Eggs.....  | \$2.02                         |
| 1 lb. Fresh Carrots.....  | \$1.19                         |
| 14 to 16 oz. Canned Carrots.....  | \$1.19                         |
| 1 lb. Cheese.....   | \$6.23                         |
| 1 lb. Kosher Cheese.....  | \$7.09                         |
| 1 lb. Dry Beans or Peas.....  | \$2.13                         |
| 1 oz. Adult WIC Cereal.....   | \$0.37                         |
| 8 oz. Gerber Infant Cereal.....   | \$2.44                         |
| 15 to 18 oz. Peanut Butter.....   | \$3.35                         |
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....                     | \$3.41                         |
| 6 oz. Cans Juice.....   | \$1.78                         |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water.....  | \$1.28                         |
| 4 oz. Gerber Infant Juice.....  | \$0.81                         |
| 32 oz. Alimentum Advance Ready-to-Feed Formula.....                                       | \$10.33                        |
| 16 oz. Alimentum Advance Powder Formula ...   | \$30.11                        |
| 8 oz. Boost Ready-to-Feed Formula.....  | \$2.00                         |
| 12.8 oz. EnfaCare LIPIL w/Iron Powder Formula.....  | \$17.26                        |
| 13 oz. Enfamil LIPIL Concentrate Formula....  | \$5.66                         |
| 32 oz. Enfamil LIPIL Ready-to-Feed Formula..  | \$8.45                         |
| 12.9 oz. Enfamil LIPIL Powder Formula.....  | \$16.70                        |
| 32 oz. Isomil DF Ready-to-Feed Formula.....   | \$8.22                         |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....                     | \$15.28                        |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label.....                | \$5.74                         |
| 32 oz. Nestle Good Start Gentle PLUS Ready-To-Feed Formula—Orange label.....              | \$8.14                         |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label.....                        | \$16.36                        |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label.....                     | \$5.53                         |
| 32 oz. Nestle Good Start Soy PLUS Ready-to-Feed Formula—Blue label.....                   | \$7.47                         |
| 12 oz. Nestle Good Start Protect PLUS Powder Formula—Green label.....                     | \$15.89                        |
| 12 oz. Nestle Good Start Nourish PLUS Powder Formula—Purple label.....                    | \$12.83                        |
| 24 oz. Nestle Good Start Gentle PLUS 2 Powder Formula—blue label with orange letters..... | \$22.76                        |
| 24 oz. Nestle Good Start Soy PLUS 2 Powder Formula—blue label with blue letters.....      | \$22.34                        |
| 24 oz. Nestle Good Start Protect PLUS 2 Powder Formula—blue label with green letters..... | \$26.05                        |
| 13 oz. Nutramigen Lipil Concentrate Formula ..  | \$8.63                         |
| 32 oz. Nutramigen Lipil Ready-to-Feed Formula.....  | \$10.94                        |
| 16 oz. Nutramigen Lipil Powder Formula.....   | \$30.29                        |
| 8 oz. Pediasure Ready-to-Feed Formula.....  | \$2.64                         |
| 8 oz. Pediasure with Fiber Ready-to-Feed Formula.....                                     | \$2.63                         |
| 13 oz. Similac Advance Concentrate Formula ..   | \$5.59                         |
| 32 oz. Similac Advance Ready-to-Feed Formula.....   | \$8.04                         |
| 12.9 oz. Similac Advance Powder Formula.....  | \$16.51                        |
| 12.8 oz. Similac Neosure with Iron Powder Formula.....                                    | \$19.19                        |
| 32 oz. Similac Neosure with Iron Ready-to-Feed Formula.....                               | \$9.99                         |
| 13 oz. Store Brand Concentrate Formula.....   | \$3.24                         |
| 32 oz. Store Brand Ready-to-Feed Formula....  | \$4.82                         |

| <i>Description</i>                        | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| 25.75 oz. Store Brand Powder Formula..... | \$17.99                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2009, through September 30, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| 1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim.....                 | \$2.52                    |
| 1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim.....          | \$2.95                    |
| 12 oz. Evaporated Milk.....  | \$1.34                    |
| 16 oz. Dry Milk.....   | \$7.44                    |
| 1 doz. Grade A Eggs.....   | \$1.99                    |
| 1 lb. Fresh Carrots.....   | \$1.16                    |
| 14 to 16 oz. Canned Carrots.....   | \$1.16                    |
| 1 lb. Cheese.....  | \$6.11                    |
| 1 lb. Kosher Cheese.....   | \$6.96                    |
| 1 lb. Dry Beans or Peas.....   | \$1.87                    |
| 1 oz. Adult WIC Cereal.....  | \$0.37                    |
| 8 oz. Gerber Infant Cereal.....  | \$2.44                    |
| 15 to 18 oz. Peanut Butter.....  | \$3.05                    |
| 46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....      | \$3.15                    |
| 5 to 6.5 oz. Chunk Light Tuna Packed in Water.....                         | \$1.19                    |
| 4 oz. Gerber Infant Juice.....   | \$0.81                    |
| 12 oz. Nestle Good Start Gentle PLUS Powder Formula—Orange label.....      | \$15.28                   |
| 13 oz. Nestle Good Start Gentle PLUS Concentrate Formula—Orange label..... | \$5.74                    |
| 32 oz. Nestle Good Start Gentle PLUS RTF Formula—Orange label.....         | \$8.14                    |
| 12.9 oz. Nestle Good Start Soy PLUS Powder Formula—Blue label.....         | \$16.36                   |
| 13 oz. Nestle Good Start Soy PLUS Concentrate Formula—Blue label.....      | \$5.53                    |
| 32 oz. Nestle Good Start Soy PLUS RTF Formula—Blue label.....              | \$7.47                    |

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1161. Filed for public inspection June 26, 2009, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Established Fees for Community Mental Retardation Base Program

### *Purpose*

This notice is to announce that the Department of Public Welfare (Department) established fees, effective July 1, 2009, for base-funded services managed through county programs for individuals with mental retardation under the Mental Health and Mental Retardation Act of 1966 (50 P. S. §§ 4104—4704) and 55 Pa. Code Chapter 4300 (relating to county mental health and mental retardation fiscal manual).

Effective July 1, 2009, the Department intends to implement a Statewide payment methodology for community-based services provided under the Consolidated waiver and Person/Family Directed Support (P/FDS) waiver (waivers). To facilitate consistency and efficient planning for participants in both the waivers and the base-funded program, the Department determined to establish the same fee for the same service provided to both a waiver participant and a base-funded participant in the same provider service location. These fees will serve as the Department's established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees). The established fees do not apply to services provided to base-funded participants by providers that do not also provide the same service to a waiver participant at that same service location. The county programs/administrative entities remain responsible for negotiating fees for those services.

The established fees that apply to the corresponding base-funded services can be found on the Department's web site at <http://www.dpw.state.pa.us/PartnersProviders/MentalRetardation/003679539.htm>.

### *Fiscal Impact*

There is no anticipated fiscal impact.

### *Public Comment*

Copies of this notice and the methodology for setting the established fees may be obtained at your local Mental Health/Mental Retardation (MH/MR) County Program/Administrative Entity or regional Office of Developmental Programs in the corresponding regions:

**Western Region:** Room 302, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 880-0535

**Northeast Region:** Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-3166

**Southeast Region:** Room 306, Philadelphia State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130, (215) 560-2245

**Central Region:** Room 430, Willow Oak Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

Persons who need contact information for the local MH/MR County Program/Administrative Entity in their region, contact the previously referenced regional Office of Developmental Programs.

Interested persons are invited to submit written comments regarding the established fees to the Department at the following addresses:

### *By E-mail:*

Use a subject header of "PN Base-funded Methodology"; send email to the Office of Developmental Programs' rate-setting mailbox at [ra-ratesetting@state.pa.us](mailto:ra-ratesetting@state.pa.us).

### *By postal mail:*

Department of Public Welfare  
Office of Developmental Programs  
Division of Provider Assistance and Rate-Setting  
4th Floor, Health and Welfare Building  
Forster and Commonwealth Avenues  
Harrisburg, PA 17120

Comments received within 30 days will be reviewed and considered for any subsequent revision of the established fees.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-607. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1162. Filed for public inspection June 26, 2009, 9:00 a.m.]

## Hospital Quality Care Investment Grant Program

### *Purpose of Notice*

The Department of Public Welfare (Department) is announcing its intent to allocate State funds for the Hospital Quality Care Investment Grant Program (Program). The purpose of the Program is to establish an incentive for acute care general hospitals to initiate quality improvement projects by offsetting some of the costs related to implementing the quality improvement initiatives. The total State funds available for this Program in Fiscal Year (FY) 2008-2009 will be \$0.5 million. There will be no change in the application review, project eligibility, spending cycle, payment limit or period of payments for this Program.

### *Fiscal Impact*

The FY 2008-2009 fiscal impact is a one-time savings of \$1.286 million (\$0.500 million in State funds). There is no fiscal impact after FY 2008-2009. This payment has been included in the FY 2008-2009 MA-Inpatient budget.

### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-595. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1163. Filed for public inspection June 26, 2009, 9:00 a.m.]



### Medical Assistance Program Fee Schedule Revisions; 2008 HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule and prior authorization requirements. These changes are effective for dates of service on and after July 13, 2009.

#### *Fee Schedule Revisions*

The Department is adding and end-dating procedure codes as a result of implementing the 2008 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The Department is also end-dating other procedure codes, including some codes previously end-dated by CMS. Additionally, the Department is adding procedure codes, and procedure code and modifier combinations, to the MA Program Fee Schedule as a result of significant program exception requests. Finally, as set forth as follows, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization.

Fees for the new procedure codes, and procedure code and modifier combinations, will be published in a *Medical Assistance Bulletin* that will be issued to all providers.

The following procedure codes are being added to the MA Program Fee Schedule as a result of the 2008 HCPCS:

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 01935                               | 01936                               | 20555                               | 20555(SG)                           | 21073                               |
| 21073 (SG)                          | 22206                               | 22206 (80)                          | 22207                               | 22207 (80)                          |
| 22208                               | 22208 (80)                          | 24357                               | 24357 (SG)                          | 24358                               |
| 24358 (SG)                          | 24359                               | 24359 (SG)                          | 27267                               | 27268                               |
| 27268 (80)                          | 27269                               | 27269 (80)                          | 27416                               | 27416 (SG)                          |
| 27726                               | 27726 (SG)                          | 27767                               | 27768                               | 27768 (SG)                          |
| 27769                               | 27769 (SG)                          | 29828                               | 29828 (SG)                          | 29828 (80)                          |
| 29904                               | 29904 (SG)                          | 29904 (80)                          | 29905                               | 29905 (SG)                          |
| 29905 (80)                          | 29906                               | 29906 (SG)                          | 29906 (80)                          | 29907                               |
| 29907 (SG)                          | 29907 (80)                          | 32421                               | 32421 (SG)                          | 32422                               |
| 32422 (SG)                          | 32550                               | 32550 (SG)                          | 32551                               | 32551 (SG)                          |
| 32560                               | 32560 (SG)                          | 33257                               | 33257 (80)                          | 33258                               |
| 33258 (80)                          | 33259                               | 33259 (80)                          | 33864                               | 33864 (80)                          |
| 35523                               | 35523 (80)                          | 36593                               | 41019                               | 41019 (SG)                          |
| 49203                               | 49203 (80)                          | 49204                               | 49204 (80)                          | 49205                               |
| 49205 (80)                          | 49440                               | 49440 (SG)                          | 49441                               | 49441 (SG)                          |
| 49442                               | 49442 (SG)                          | 49446                               | 49446 (SG)                          | 49450                               |
| 49450 (SG)                          | 49451                               | 49451 (SG)                          | 49452                               | 49452 (SG)                          |
| 49460                               | 49460 (SG)                          | 49465                               | 50385                               | 50385 (SG)                          |
| 50386                               | 50386 (SG)                          | 51100                               | 51101                               | 51102                               |
| 51102 (SG)                          | 52649                               | 52649 (SG)                          | 55920                               | 55920 (SG)                          |
| 57285                               | 57285 (SG)                          | 57285 (80)                          | 57423                               | 57423 (SG)                          |
| 57423 (80)                          | 58570                               | 58570 (SG)                          | 58570 (80)                          | 58571                               |
| 58571 (SG)                          | 58571 (80)                          | 58572                               | 58572 (SG)                          | 58572 (80)                          |
| 58573                               | 58573 (SG)                          | 58573 (80)                          | 60300                               | 67041                               |
| 67041 (SG)                          | 67041 (80)                          | 67042                               | 67042 (SG)                          | 67042 (80)                          |
| 67043                               | 67043 (SG)                          | 67043 (80)                          | 67113                               | 67113 (SG)                          |
| 67113 (80)                          | 67229                               | 67229 (SG)                          | 68816                               | 68816 (SG)                          |
| 75557                               | 75557 (26)                          | 75557 (TC)                          | 75559                               | 75559 (26)                          |
| 75559 (TC)                          | 75561                               | 75561 (26)                          | 75561 (TC)                          | 75563                               |
| 75563 (26)                          | 75563 (TC)                          | 80047                               | 82610                               | 83993                               |
| 84704                               | 86356                               | 87500                               | 87809                               | 90681                               |
| 90696                               | 95981                               | 95982                               | 96125                               | 99477                               |
| A5083                               | A7027                               | A7028                               | A7029                               | A9155                               |

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| B4087                               | B4088                               | E0856 (NU)                          | E0856 (RR)                          | E2312 (NU)                          |
| E2313 (NU)                          | E2397 (NU)                          | J7347                               | J7349                               | L3925                               |
| L3927                               | L3929                               | L3931                               | L7611                               | L7612                               |
| L7613                               | L7614                               | L7621                               | L7622                               | S2066                               |
| S2066 (80)                          | S2067                               | S2067 (80)                          | S9152                               |                                     |

The following procedure codes are being added to the MA Program Fee Schedule as a result of significant program exception requests:

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 78709                               | 78709 (TC)                          | 78709 (26)                          | 80050                               | 80416                               |
| 80417                               | 90875                               | 97532                               | A6412                               | B4224                               |
| E0482                               | E0482 (RR)                          | J1642                               | S3645                               |                                     |

The following procedure codes are being end-dated from the MA Program Fee Schedule either as a result of the 2008 HCPCS updates or because they were previously end-dated by CMS:

| <i>Procedure Codes</i> |       |       |       |       |       |
|------------------------|-------|-------|-------|-------|-------|
| 01905                  | 24350 | 24351 | 24352 | 24354 | 24356 |
| 32000                  | 32002 | 32019 | 32020 | 36550 | 43750 |
| 47719                  | 49200 | 49201 | 51000 | 51005 | 51010 |
| 60001                  | 67038 | 74350 | 75552 | 75553 | 75554 |
| 75555                  | 78615 | 99271 | 99272 | 99273 | 99274 |
| 99275                  | 99301 | 99302 | 99303 | 99311 | 99312 |
| 99313                  | A4534 | B4086 | E2618 | G0298 | G0299 |
| J7345                  | L0960 | L1855 | L1858 | L1870 | L1880 |
| L3800                  | L3805 | L3810 | L3815 | L3820 | L3825 |
| L3830                  | L3835 | L3840 | L3845 | L3850 | L3855 |
| L3860                  | L3907 | L3910 | L3916 | L3918 | L3920 |
| L3922                  | L3924 | L3926 | L3928 | L3930 | L3932 |
| L3934                  | L3936 | L3938 | L3940 | L3942 | L3944 |
| L3946                  | L3948 | L3950 | L3952 | L3954 | L3985 |
| L3986                  | Q0068 | S2078 |       |       |       |

The Department is end-dating the following procedure codes from the MA Program Fee Schedule because they are services related to infertility treatment. Section 443.6(f) (relating to reimbursement for certain medical assistance items and services) of the act of June 13, 1967 (P. L. 31, No. 21) (62 P. S. §§ 101—1503) known as Public Welfare Code (Code) prohibits the Department from paying a provider for any medical services, procedures or drugs related to infertility therapy:

| <i>Procedure Codes</i> |       |       |       |       |       |
|------------------------|-------|-------|-------|-------|-------|
| 58345                  | 74440 | 74742 | 89300 | 89310 | Q0115 |

The Department is end-dating the following procedure codes from the MA Program Fee Schedule because they are cosmetic surgical procedures. Sections 1126.54, 1141.59 and 1163.59 (relating to noncompensable services and items; noncompensable services; and items and outlier days) of 55 Pa. Code sets forth that payments will not be made for cosmetic surgery:

| <i>Procedure Codes</i> |       |       |       |       |       |
|------------------------|-------|-------|-------|-------|-------|
| 15780                  | 15781 | 15782 | 15786 | 15787 | 15792 |
| 15793                  | 15819 | 17340 | 17360 | 21120 | 21121 |
| 21122                  | 21123 | 21137 | 21198 | 21270 | 30400 |
| 30410                  | 30420 | 30430 | 30435 | 30450 | 54660 |
| 67900                  | 69300 |       |       |       |       |

The following local procedure codes will be end-dated from the MA Program Fee Schedule due to the adoption of National codes:

| <i>Procedure Codes</i> |       |       |       |       |       |
|------------------------|-------|-------|-------|-------|-------|
| W0081                  | W0082 | W0083 | W0161 | W0162 | W0164 |
| W0166                  | W0167 | W0168 | W0169 | W0170 | W0184 |
| W0185                  | W0186 | W0187 | W0300 | W0301 | W0315 |
| W0710                  | W0711 | W0712 | W0713 | W0714 | W0734 |
| W0735                  | W0974 | W1751 | W1807 | W1809 | W1810 |
| W1811                  | W1812 | W1813 | W1814 | W1815 | W1816 |
| W1817                  | W1818 | W1845 | W1846 | W1847 | W1869 |
| W1870                  | W5997 | W6004 | W6052 | W6058 | W6059 |
| W7003                  | W8995 | W9066 | W9310 | W9635 | W9991 |
| W9992                  | W9993 | W9994 | W9995 | X2830 | X2912 |
| X2934                  | X3154 | X3649 | X4289 | X4693 | X6483 |
| X6781                  | Y7372 | Y7375 | Y7690 | Y7696 | Y9876 |
| Y9897                  | Y9925 | Z0052 | Z0465 | Z0467 | Z0518 |
| Z0528                  | Z0529 | Z0535 | Z0537 | Z0540 | Z0544 |
| Z1971                  | Z2104 | Z3063 | Z4254 | Z4375 | Z4383 |
| Z4464                  | Z4601 | Z4627 | Z4628 | Z6001 | Z6004 |
| Z6006                  | Z8214 | Z8250 | Z8252 | Z8372 | Z8373 |
| Z8379                  | Z8383 | Z8384 | Z8385 | Z8388 | Z8397 |
| Z8414                  | Z8502 | Z8558 | Z8628 | Z8743 | Z9803 |

The Department is end-dating procedure code 91111 (*gastrointestinal tract imaging, intraluminal (for example, capsule endoscopy), esophagus with physician interpretation and report*) from the MA Program Fee Schedule because the use of this procedure is not the accepted standard of practice for the treatment or diagnosis of any condition.

The Department will be adding the following pricing modifiers to procedure codes currently on the MA Program Fee Schedule. The modifiers (SG) and (26) are being added to surgical services currently designated as inpatient services, but which can safely be performed in the Hospital Short Procedure Unit or the Ambulatory Surgical Center, or both, depending on the procedure:

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 15821 (SG)                          | 21127 (SG)                          | 24346 (SG)                          | 36522 (SG)                          | 42890 (SG)                          |
| 44376 (SG)                          | 58555 (SG)                          | 65880 (SG)                          | 93510 (26)                          | 93642 (SG)                          |
| 93642 (26)                          |                                     |                                     |                                     |                                     |

The Department is increasing the MA Program fee for the following procedure code:

| <i>Procedure Code</i> | <i>Description</i>   | <i>Current Fee</i> | <i>MA Fee Effective July 13, 2009</i> |
|-----------------------|--|--------------------|---------------------------------------|
| 95165                 | Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy; single or multiple antigens (specify number of doses) | \$2.88             | \$8.22                                |

Effective for dates of services on and after July 13, 2009, procedure code 93642 must be billed with modifier (26) with the associated fee of \$253.03 as noted:

| <i>Procedure Code</i> | <i>Description</i>  | <i>Current Fee<br/>(Billing<br/>with No<br/>Modifier)</i> | <i>MA Fee<br/>Effective<br/>July 13,<br/>2009<br/>(Billing<br/>with<br/>modifier 26)</i> |
|-----------------------|---|---|--|
| 93642                 | Electrophysiologic evaluation of single or dual chamber pacing cardioverter-defibrillator (includes defibrillation threshold evaluation, induction of arrhythmia, evaluation of sensing and pacing for arrhythmia termination, and programming or reprogramming of sensing or therapeutic parameters) | \$488.41  | \$253.03   |

#### *Prior Authorization Requirements*

The following procedure codes that are being added to the MA Program Fee Schedule are prosthesis and orthoses that require prior authorization under section 443.6(b)(1) of the Code, as amended by the act of July 7, 2005 (P. L. 177, No. 42):

| <i>Procedure Code</i> | <i>Procedure Description</i>   |
|-----------------------|--|
| L9325                 | Finger orthosis, proximal interphalangeal (pip)/distal interphalangeal (dip), non torsion joint/spring, extension/flexion, may include soft interface material, prefabricated, includes fitting and adjustment.                        |
| L3927                 | Finger orthosis, proximal interphalangeal (pip)/distal interphalangeal (dip), without joint/spring, extension/flexion (e.g. static or ring type), may include soft interface material, prefabricated, includes fitting and adjustment. |
| L3929                 | Hand finger orthosis, includes one or more nontorsion joint(s), turnbuckles, elastic bands/springs, may include soft interface material, straps, prefabricated, includes fitting and adjustment.                                       |
| L3931                 | Wrist hand finger orthosis, includes one or more nontorsion joint(s), turnbuckles, elastic bands/springs, may include soft interface material, straps, prefabricated, includes fitting and adjustment.                                 |
| L7611                 | Terminal device, hook, mechanical, voluntary opening, any material, any size, lined or unlined, pediatric.   |
| L7612                 | Terminal device, hook, mechanical, voluntary closing, any material, any size, lined or unlined, pediatric.   |
| L7613                 | Terminal device, hand, mechanical, voluntary opening, any material, any size, pediatric.   |
| L7614                 | Terminal device, hand, mechanical, voluntary closing, any material, any size, pediatric.   |
| L7621                 | Terminal device, hook or hand, heavy duty, mechanical, voluntary opening, any material, any size, lined or unlined.  |
| L7622                 | Terminal device, hook or hand, heavy duty, mechanical, voluntary closing, any material, any size, lined or unlined.  |

The following procedure codes being added to the MA Program Fee Schedule are durable medical equipment (DME) and will require prior authorization, as authorized under § 443.6(b)(2) of the Code, as amended by the act of July 7, 2005 (P. L. 177, No. 42):

| <i>Procedure Code</i> | <i>Procedure Description</i>  |
|-----------------------|---|
| E0482                 | Cough stimulating device, alternating positive and negative airway pressure.  |
| E0856 (NU)            | Cervical traction device, cervical collar with inflatable air bladder.  |
| E2312 (NU)            | Power wheelchair accessory, hand or chin control interface, mini-proportional remote joystick, proportional, including fixed mounting hardware. |
| E2313 (NU)            | Power wheelchair accessory, harness for upgrade to expandable controller, including all fasteners, connectors and mounting hardware, each.      |
| E2397 (NU)            | Power wheelchair accessory, lithium-based battery, each.  |

Rentals of the following DME, which are being added to the MA Program Fee Schedule, will require prior authorization beginning with the first month of rental, as authorized under section 443.6(b)(3) of the Code, as amended by the act of July 7, 2005 (P. L. 177, No. 42):

| <i>Procedure Code</i> | <i>Procedure Description</i>   |
|-----------------------|--|
| E0482 (RR)            | Cough stimulating device, alternating positive and negative airway pressure. |
| E0856 (RR)            | Cervical traction device, cervical collar with inflatable air bladder.       |

The following procedure codes being added to the MA Program Fee Schedule will require prior authorization, as authorized under § 443.6(b)(7) of the Code, as amended by the act of July 7, 2005 (P. L. 177, No. 42):

| <i>Procedure Code</i> | <i>Procedure Description</i>  |
|-----------------------|---|
| A9155                 | Artificial saliva, 30 ml.   |
| J1642                 | Injection, heparin sodium (heparin lock flush), per 10 units.   |
| 75557                 | Cardiac magnetic resonance imaging for morphology and function without contrast material  |
| 75559                 | Cardiac magnetic resonance imaging for morphology and function without contrast material; with stress imaging.  |
| 75561                 | Cardiac magnetic resonance imaging for morphology and function without contrast material(s), followed by contrast material(s) and further sequences.                      |
| 75563                 | Cardiac magnetic resonance imaging for morphology and function without contrast material(s), followed by contrast material(s) and further sequences; with stress imaging. |

#### *Fiscal Impact*

The estimated cost for Fiscal Year (FY) 2009-2010 is \$2.774 million (\$0.988 million in State funds). The annualized cost for FY 2010-2011 is \$3.170 million (\$1.295 million in State funds). These State fund estimates are based on the increased Federal Medical Assistance Percentages as determined under the American Recovery and Reinvestment Act (ARRA) of 2009 (42 U.S.C.A. § 5301).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-605. (1) General Fund; (2) Implementing Year 2008-09 is \$0; (3) 1st Succeeding Year 2009-10 is \$0.988 M; 2nd Succeeding Year 2010-11 is \$1.295 M; 3rd Succeeding Year 2011-12 is \$1.473 M; 4th Succeeding Year 2012-13 is \$1.473 M; 5th Succeeding Year 2013-14 is \$1.473 M; (4) 2007-08 Program—\$593.992 M; 2006-07 Program—\$671.472 M; 2005-06 Program—\$945.9550 M; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1164. Filed for public inspection June 26, 2009, 9:00 a.m.]

### **Medical Assistance Program Fee Schedule for Select Services in the Consolidated and Person/Family Directed Support Waivers and Community Mental Retardation Base Program**

#### *Purpose*

This notice is to announce the Department of Public Welfare's (Department) addition of payment rates for select services provided in the Consolidated waiver and Person/Family Directed Support (P/FDS) waiver to the Medical Assistance (MA) Program Fee Schedule. These fee schedule payment rates will also serve as the Department's established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individu-

als with mental retardation under the Mental Health and Mental Retardation Act of 1966 (50 P. S. §§ 4104—4704) and 55 Pa. Code Chapter 4300 (relating to county mental health and mental retardation fiscal manual).

The Department is responsible for management of the Consolidated and P/FDS waivers (waivers). As a condition of approving renewal of the Consolidated and the P/FDS waivers, the Federal Centers for Medicare and Medicaid Services (CMS) directed that the Department develop a Statewide rate-setting methodology for both waivers. The Department established a Financial Implementation Advisory Team (FIAT), consisting of representatives from consumers, providers and county stakeholders, to provide input to the Department in establishing the payment methodology.

Based on input from the FIAT, the Department determined that payment rates for select services under the waivers would be placed on a fee schedule, while payment rates for other services would be established through submission of cost reports by providers. The services selected for inclusion on the fee schedule are listed as follows under the following categories: Select Community-Based Services; Unlicensed Out-of-Home Respite and Respite Camp "Ineligible" Services (Room and Board); Agency with Choice/Financial Management Services, Excluding Benefits; and Agency with Choice/Financial Management Services, Including Benefits.

To establish the fee schedule payment rates for these categories of services, the Department established rate ranges for each of the selected services based on allowable cost components. The Department reviewed the rate ranges, selected a rate within the range, and adjusted each rate by geographical area factors that consider differences in wages across this Commonwealth.

Specifically, the Department developed the rate ranges by evaluating independent data sources to reflect expected expenses for major cost categories, such as wages for direct care workers and other staff; staff benefits; employer taxes; staff productivity; staff ratios; and program-related expenses for transportation, supplies, staff training and occupancy. Administrative expenses were also considered, except for the Agency with Choice/Financial Management Services (AWC/FMS) rates. Administrative expenses for AWC/FMS providers were negotiated by the Department and the AWC/FMS providers, and will be paid as a separate administrative fee to these providers.

The resulting rate ranges were compared to rates for comparable services in other Department service delivery systems, and to rates and utilization data for comparable services in the waivers. For services with low Statewide

utilization data, the Department assigned the midpoint rate to that service. For other services, the Department assigned a rate based on the factors identified previously and the type of service, work performed and qualifications necessary to render the service.

As a final step in determining the fee schedule rates, the Department adjusted the payment rates based on wage differences for four geographic areas as identified as follows. These adjustments were not made to the rates for ineligible services for unlicensed out-of-home respite. Rates for those services were based on expected meal costs consistent with data published by the United States Department of Agriculture and do not vary by area.

#### **Geographic Areas:**

##### **Area 1:**

Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia

##### **Area 2:**

Adams, Allegheny, Beaver, Berks, Carbon, Cumberland, Dauphin, Erie, Franklin, Fulton, Greene, Lancaster, Lawrence, Lebanon, Monroe, Perry, Pike, Schuylkill, Washington, York

##### **Area 3:**

Armstrong, Bradford, Butler, Cameron, Centre, Clarion, Clinton, Columbia, Crawford, Elk, Forest, Indiana, Huntingdon, Juniata, Lackawanna, Luzerne, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming

##### **Area 4:**

Bedford, Blair, Cambria, Clearfield, Fayette, Jefferson, Somerset

#### **Fee Schedule Rates:**

#### **Select Community-Based Services**

| <i>Service</i>                | <i>Procedure Code</i> | <i>Modifier</i> | <i>Provider Type</i> | <i>Specialty Code</i> | <i>Unit</i> | <i>Area 1</i> | <i>Area 2</i> | <i>Area 3</i> | <i>Area 4</i> |
|-------------------------------|-----------------------|-----------------|----------------------|-----------------------|-------------|---------------|---------------|---------------|---------------|
| Nursing Services: LPN         | T2025                 | TE              | 05<br>16             | 051, 160, 161         | 15 minutes  | \$11.02       | \$10.31       | \$9.78        | \$8.89        |
| Nursing Services: RN          | T2025                 | TD              | 05<br>16             | 051, 160, 161         | 15 minutes  | \$16.55       | \$15.48       | \$14.68       | \$13.35       |
| Physical Therapy              | T2025                 | GP              | 17                   | 170                   | 15 minutes  | \$15.64       | \$14.63       | \$13.87       | \$12.61       |
| Occupational Therapy          | T2025                 | GO              | 17                   | 171                   | 15 minutes  | \$17.12       | \$16.02       | \$15.19       | \$13.81       |
| Speech/ Language Therapy      | T2025                 | GN              | 17                   | 173                   | 15 minutes  | \$18.73       | \$17.52       | \$16.62       | \$15.10       |
| Individual Behavioral Therapy | T2025                 | HE              | 19                   | 208                   | 15 minutes  | \$16.50       | \$15.44       | \$14.64       | \$13.31       |
| Group Behavioral Therapy      | T2025                 | HE & HQ         | 19                   | 208                   | 15 minutes  | \$4.12        | \$3.85        | \$3.65        | \$3.32        |
| Visual/ Mobility Therapy      | W7246                 |                 | 51                   | 517                   | 15 minutes  | \$18.73       | \$17.52       | \$16.62       | \$15.10       |

| <i>Service</i>                          | <i>Procedure Code</i> | <i>Modifier</i> | <i>Provider Type</i> | <i>Specialty Code</i> | <i>Unit</i> | <i>Area 1</i> | <i>Area 2</i> | <i>Area 3</i> | <i>Area 4</i> |
|---|-----------------------|-----------------|----------------------|-----------------------|-------------|---------------|---------------|---------------|---------------|
| Home Finding                            | W7277                 |                 | 51<br>55             | 571                   | 15 minutes  | \$9.99        | \$9.35        | \$8.86        | \$8.06        |
| Behavioral Support                      | W7095                 |                 | 51                   | 510                   | 15 minutes  | \$17.96       | \$16.80       | \$15.93       | \$14.48       |
| Homemaker/Chore                         | W7283                 | UA              | 43, 51, 55           | 430, 431              | Hour        | \$22.87       | \$21.39       | \$20.29       | \$18.44       |
| Companion Services, Basic Staff Support | W1724                 |                 | 51                   | 363                   | 15 minutes  | \$ .79        | \$ .74        | \$ .70        | \$ .64        |
| Companion Services, Level 1             | W1725                 |                 | 51                   | 363                   | 15 minutes  | \$ .99        | \$ .93        | \$ .88        | \$ .80        |
| Companion Services, Level 2             | W1726                 |                 | 51                   | 363                   | 15 minutes  | \$2.09        | \$1.96        | \$1.85        | \$1.69        |
| Companion Services, Level 3             | W1727                 |                 | 51                   | 363                   | 15 minutes  | \$4.69        | \$4.39        | \$4.16        | \$3.78        |
| Supports Broker                         | W7096                 |                 | 51                   | 510                   | 15 minutes  | \$10.85       | \$10.15       | \$9.63        | \$8.75        |

**Unlicensed Out-of-Home Respite and Respite Camp Ineligible Services (Room and Board)**

| <i>Service</i>                             | <i>Procedure Code</i> | <i>Provider Type</i> | <i>Specialty Code</i> | <i>Unit</i> | <i>Areas 1 through 4</i>            |
|--|-----------------------|----------------------|-----------------------|-------------|-------------------------------------|
| Respite—Unlicensed out of home, ineligible | W6066                 | 51                   | 513                   | 15 minutes  | \$4.00/unit, max of 3 units per day |
|  | W6067                 | 51                   | 513                   | 15 minutes  | \$4.00/unit, max of 3 units per day |
|  | W6068                 | 51                   | 513                   | 15 minutes  | \$4.00/unit, max of 3 units per day |
|  | W6069                 | 51                   | 513                   | 15 minutes  | \$4.00/unit, max of 3 units per day |
|  | W6070                 | 51                   | 513                   | 15 minutes  | \$4.00/unit, max of 3 units per day |
|  | W6071                 | 51                   | 513                   | 15 minutes  | \$4.00/unit, max of 3 units per day |
|  | W6060                 | 51                   | 513                   | Day         | \$12.00/unit, max of 1 unit per day |
|  | W6061                 | 51                   | 513                   | Day         | \$12.00/unit, max of 1 unit per day |
|  | W6062                 | 51                   | 513                   | Day         | \$12.00/unit, max of 1 unit per day |
|  | W6063                 | 51                   | 513                   | Day         | \$12.00/unit, max of 1 unit per day |
|  | W6064                 | 51                   | 513                   | Day         | \$12.00/unit, max of 1 unit per day |
|  | W6065                 | 51                   | 513                   | Day         | \$12.00/unit, max of 1 unit per day |
| Respite—Camp, Ineligible                   | W8400                 | 51, 55<br>51, 55     | 554, 555<br>554, 555  | 15 minutes  | \$4.00/unit, max of 3 units per day |
|  | W8401                 | 51, 55<br>51, 55     | 554, 555<br>554, 555  | Day         | \$12.00/unit, max of 1 unit per day |

**Agency with Choice/Financial Management Services, Excluding Benefits\***

\* Modifier U4 must be used with all procedures codes when billing for services excluding benefits.

| <i>Service</i>                                   | <i>Procedure code</i> | <i>Modifier</i> | <i>Provider Type</i> | <i>Specialty Code</i> | <i>Unit</i> | <i>Area 1</i> | <i>Area 2</i> | <i>Area 3</i> | <i>Area 4</i> |
|--|-----------------------|-----------------|----------------------|-----------------------|-------------|---------------|---------------|---------------|---------------|
| Homemaker/Chore                                  | W7283                 | U4              | 43, 51, 55           | 430                   | Hour        | \$13.42       | \$12.55       | \$11.91       | \$10.82       |
|  |                       | U4 & UA         |                      | 431                   |             |               |               |               |               |
| Companion, Level 3                               | W1727                 | U4              | 51                   | 363                   | 15 minutes  | \$3.06        | \$2.87        | \$2.72        | \$2.47        |
| Supports Broker                                  | W7096                 | U4              | 51                   | 510                   | 15 minutes  | \$6.15        | \$5.76        | \$5.46        | \$4.96        |
| Respite—Unlicensed out of home, Level 2          | W8012                 | U4              | 51                   | 513                   | 15 minutes  | \$3.48        | \$3.26        | \$3.09        | \$2.81        |
|  | W8002                 | U4              | 51                   | 513                   | Day         | \$223.14      | \$208.74      | \$197.94      | \$179.95      |
| Respite—Unlicensed out of home, Level 3          | W8014                 | U4              | 51                   | 513                   | 15 minutes  | \$6.97        | \$6.52        | \$6.19        | \$5.62        |
|  | W8004                 | U4              | 51                   | 513                   | Day         | \$446.27      | \$417.48      | \$395.89      | \$359.90      |
| Supported Employment                             | W7235                 | U4              | 53                   | 531                   | 15 minutes  | \$6.12        | \$5.73        | \$5.43        | \$4.94        |
| Respite—Unlicensed out of home, Level 2 enhanced | W8013                 | U4              | 51                   | 513                   | 15 minutes  | \$7.48        | \$7.00        | \$6.64        | \$6.03        |
|  | W8003                 | U4              | 51                   | 513                   | Day         | \$478.66      | \$447.77      | \$424.61      | \$386.01      |
| Respite—Unlicensed out of home, Level 3 enhanced | W8015                 | U4              | 51                   | 513                   | 15 minutes  | \$14.95       | \$13.99       | \$13.26       | \$12.06       |
|  | W8005                 | U4              | 51                   | 513                   | Day         | \$957.31      | \$895.55      | \$849.23      | \$772.02      |
| Respite—Unlicensed in home, Level 2              | W7258                 | U4              | 51                   | 512                   | 15 minutes  | \$3.48        | \$3.26        | \$3.09        | \$2.81        |
|  | W7250                 | U4              | 51                   | 512                   | Day         | \$223.14      | \$208.74      | \$197.94      | \$179.95      |
| Respite—Unlicensed in home, Level 3              | W7265                 | U4              | 51                   | 512                   | 15 minutes  | \$6.97        | \$6.52        | \$6.19        | \$5.62        |
|  | W7252                 | U4              | 51                   | 512                   | Day         | \$446.27      | \$417.48      | \$395.89      | \$359.90      |
| Respite—Unlicensed in home, Level 2 enhanced     | W7264                 | U4              | 51                   | 512                   | 15 minutes  | \$7.48        | \$7.00        | \$6.64        | \$6.03        |
|  | W7251                 | U4              | 51                   | 512                   | Day         | \$478.66      | \$447.77      | \$424.61      | \$386.01      |
| Respite—Unlicensed in home, Level 3 enhanced     | W7266                 | U4              | 51                   | 512                   | 15 minutes  | \$14.95       | \$13.99       | \$13.26       | \$12.06       |
|  | W7253                 | U4              | 51                   | 512                   | Day         | \$957.31      | \$895.55      | \$849.23      | \$772.02      |
| Unlicensed Habilitation, Level 3                 | W7060                 | U4              | 51                   | 510                   | 15 minutes  | \$5.07        | \$4.74        | \$4.50        | \$4.09        |
| Unlicensed Habilitation, Level 4                 | W7068                 | U4              | 51                   | 510                   | 15 minutes  | \$10.13       | \$9.48        | \$8.99        | \$8.17        |
| Unlicensed Habilitation, Level 3 enhanced        | W7061                 | U4              | 51                   | 510                   | 15 minutes  | \$8.39        | \$7.85        | \$7.44        | \$6.77        |



| <i>Service</i>                            | <i>Procedure code</i> | <i>Modifier</i> | <i>Provider Type</i> | <i>Specialty Code</i> | <i>Unit</i> | <i>Area 1</i> | <i>Area 2</i> | <i>Area 3</i> | <i>Area 4</i> |
|---|-----------------------|-----------------|----------------------|-----------------------|-------------|---------------|---------------|---------------|---------------|
| Unlicensed Habilitation, Level 4 enhanced | W7069                 | U4              | 51                   | 510                   | 15 minutes  | \$16.77       | \$15.69       | \$14.88       | \$13.52       |

**Agency with Choice/Financial Management Services, Including Benefits\*\***

\*\* No modifier is needed to indicate the benefit allowance is included.

| <i>Service</i>                                   | <i>Procedure Code</i> | <i>Modifier</i> | <i>Provider Type</i> | <i>Specialty Code</i> | <i>Unit</i> | <i>Area 1</i> | <i>Area 2</i> | <i>Area 3</i> | <i>Area 4</i> |
|--|-----------------------|-----------------|----------------------|-----------------------|-------------|---------------|---------------|---------------|---------------|
| Homemaker/Chore                                  | W7283                 |                 | 43, 51, 55           | 430 431               | Hour        | \$16.99       | \$15.89       | \$15.07       | \$13.70       |
|  |                       | UA              |                      |                       |             |               |               |               |               |
| Companion Level 3                                | W1727                 |                 | 51                   | 363                   | 15 minutes  | \$3.88        | \$3.63        | \$3.44        | \$3.13        |
| Supports Broker                                  | W7096                 |                 | 51                   | 510                   | 15 minutes  | \$7.79        | \$7.29        | \$6.91        | \$6.28        |
| Respite—Unlicensed out of home, Level 2          | W8012                 |                 | 51                   | 513                   | 15 minutes  | \$4.41        | \$4.13        | \$3.91        | \$3.56        |
|  | W8002                 |                 | 51                   | 513                   | Day         | \$282.49      | \$264.26      | \$250.60      | \$227.18      |
| Respite—Unlicensed out of home, Level 3          | W8014                 |                 | 51                   | 513                   | 15 minutes  | \$8.83        | \$8.26        | \$7.83        | \$7.12        |
|  | W8004                 |                 | 51                   | 513                   | Day         | \$564.98      | \$528.53      | \$501.19      | \$455.63      |
| Respite—Unlicensed out of home, Level 2 enhanced | W8013                 |                 | 51                   | 513                   | 15 minutes  | \$9.47        | \$8.86        | \$8.40        | \$7.64        |
|  | W8003                 |                 | 51                   | 513                   | Day         | \$605.98      | \$566.88      | \$537.56      | \$488.69      |
| Respite—Unlicensed out of home, Level 3 enhanced | W8015                 |                 | 51                   | 513                   | 15 minutes  | \$18.93       | \$17.71       | \$16.79       | \$15.27       |
|  | W8005                 |                 | 51                   | 513                   | Day         | \$1,211.96    | \$1,133.76    | \$1,075.12    | \$977.38      |
| Respite—Unlicensed in home, Level 2              | W7258                 |                 | 51                   | 512                   | 15 minutes  | \$4.41        | \$4.13        | \$3.91        | \$3.56        |
|  | W7250                 |                 | 51                   | 512                   | Day         | \$282.49      | \$264.26      | \$250.60      | \$227.81      |
| Respite—Unlicensed in home, Level 3              | W7265                 |                 | 51                   | 512                   | 15 minutes  | \$8.83        | \$8.26        | \$7.83        | \$7.12        |
|  | W7252                 |                 | 51                   | 512                   | Day         | \$564.98      | \$528.53      | \$501.19      | \$455.63      |
| Respite—Unlicensed in home, Level 2 enhanced     | W7264                 |                 | 51                   | 512                   | 15 minutes  | \$9.47        | \$8.86        | \$8.40        | \$7.64        |
|  | W7251                 |                 | 51                   | 512                   | Day         | \$605.98      | \$566.88      | \$537.56      | \$488.68      |
| Respite—Unlicensed in home, Level 3 enhanced     | W7266                 |                 | 51                   | 512                   | 15 minutes  | \$18.93       | \$17.71       | \$16.79       | \$15.27       |
|  | W7253                 |                 | 51                   | 512                   | Day         | \$1,211.96    | \$1,133.76    | \$1,075.12    | \$977.38      |
| Unlicensed Habilitation, Level 3                 | W7060                 |                 | 51                   | 510                   | 15 minutes  | \$6.42        | \$6.01        | \$5.70        | \$5.18        |
| Unlicensed Habilitation, Level 4                 | W7068                 |                 | 51                   | 510                   | 15 minutes  | \$12.83       | \$12.00       | \$11.38       | \$10.35       |

| <i>Service</i>                            | <i>Procedure Code</i> | <i>Modifier</i> | <i>Provider Type</i> | <i>Specialty Code</i> | <i>Unit</i> | <i>Area 1</i> | <i>Area 2</i> | <i>Area 3</i> | <i>Area 4</i> |
|---|-----------------------|-----------------|----------------------|-----------------------|-------------|---------------|---------------|---------------|---------------|
| Unlicensed Habilitation, Level 3 enhanced | W7061                 |                 | 51                   | 510                   | 15 minutes  | \$10.62       | \$9.93        | \$9.42        | \$8.56        |
| Unlicensed Habilitation, Level 4 enhanced | W7069                 |                 | 51                   | 510                   | 15 minutes  | \$21.23       | \$19.83       | \$18.83       | \$17.12       |

### *Fiscal Impact*

There is no anticipated fiscal impact.

### *Public Comment*

Copies of this notice and the description of the methodology used to establish the fee schedule payment rates may be obtained at your local Mental Health/Mental Retardation (MH/MR) County Program/Administrative Entity or regional Office of Developmental Programs in the corresponding regions:

*Western Region:* Room 302, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 880-0535

*Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-3166

*Southeast Region:* Room 306, Philadelphia State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130, (215) 560-2245

*Central Region:* Room 430, Willow Oak Building, P. O. Box 2675, Harrisburg, PA, (717) 772-6507

Individuals who need contact information for the local MH/MR County Program/Administrative Entity in your region, contact the previously referenced Regional Office of Developmental Programs.

Interested persons are invited to submit written comments regarding this notice to the Department at the following addresses:

#### *By E-mail:*

Use subject header "PN Fee Schedule" to the Office of Developmental Programs rate setting mailbox at [ratesetting@state.pa.us](mailto:ratesetting@state.pa.us).

#### *By postal mail:*

Department of Public Welfare  
Office of Developmental Programs  
Division of Provider Assistance and Rate Setting  
4th Floor, Health and Welfare Building  
Harrisburg, PA 17120

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-609. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1165. Filed for public inspection June 26, 2009, 9:00 a.m.]

## **Prospective Payment System for the Consolidated and Person/Family Directed Support Waivers and Targeted Services Management for Persons with Mental Retardation**

### *Purpose*

This notice is to announce that the Department of Public Welfare (Department) intends to implement a Statewide Prospective Payment System (PPS), effective July 1, 2009, for community-based services, including Supports Coordination, provided under the Consolidated and Person/Family Directed Support (P/FDS) waivers (waivers) and for Targeted Service Management (TSM) provided to persons with mental retardation who are eligible for Medical Assistance (MA) but not eligible to participate in the waivers. This notice also describes the rate-setting methodology used to develop payment rates in the PPS, excluding payment rates for the select waiver services added to the MA Program Fee Schedule.

### *Rate-Setting Methodology*

As a condition of approving renewal of the waivers, the Centers for Medicare and Medicaid Services directed the Department to develop a Statewide rate-setting methodology for both waivers. After seeking input from consumer, provider and county stakeholders, the Department determined to use a PPS, a payment methodology in which provider rates are established on a prospective basis for a specified period and are not cost settled at the end of the specified period. Based on input from its stakeholders, the Department is including two payment approaches in the PPS: a fee schedule approach and a cost-based approach. Payment rates for select services would be placed on the fee schedule. Payment rates for the remaining services, specific to each provider and procedure code, would be developed using a cost-based approach based on allowable historical cost data submitted by providers in cost reports developed by the Department. The historical cost data would be trended forward to a prospective period.

Specifically, the Department developed the proposed payment rates for State Fiscal Year (SFY) 2009-2010 using SFY 2007-2008 cost data submitted by providers, adjusted to account for anticipated changes in provider responsibilities from SFY 2007-2008 to SFY 2009-2010. Cost data for Supports Coordination were also adjusted against productivity parameters calculated from the aver-

age productivity in approved cost reports submitted by providers and through rate modeling.

The Department analyzed the resulting adjusted unit costs to calculate the average unit cost and standard deviation for each procedure code, using standard statistical formulas. Unit cost outliers for each procedure code (defined as unit costs that deviated from the average unit cost for the procedure code by more than one standard deviation) were then adjusted to reduce but not eliminate the differences from average unit cost. After each provider's unit cost for each procedure code was so adjusted, a total cost of living increase of 1% (1% for SFY 2008-2009 and 0% for SFY 2009-2010) was applied to each provider's SFY 2007-2008 unit cost for each procedure code to establish the provider's proposed payment rates for SFY 2009-2010.

Finally, total SFY 2009-2010 waiver expenditures were projected using the proposed payment rates and projected utilization, and those expenditures were compared to the total estimated waiver appropriation. A rate adjustment factor of -3.17% was applied to the unit costs for all cost-based services except outcome-based, vendor, and Supports Coordination services, so that the estimated waiver expenditures would not exceed the SFY 2009-2010 waiver appropriation.

Payment rates for TSM for providers that also deliver Supports Coordination were established by assigning the same rates for TSM as were developed for Supports Coordination. Review of the cost data showed that unit costs for both types of service were similar. Payment rates for TSM for providers that do not deliver Supports Coordination were developed in accordance with the methodology described in this notice, without comparison to Supports Coordination costs.

For cases in which approved cost report data were not available for a procedure code at a specific service location, the Department assigned a payment rate based on guidelines established for that purpose.

A more detailed description of the methodology used to develop the payment rates in the PPS is available on the Department's web site at <http://www.dpw.state.pa.us/PartnersProviders/MentalRetardation/003679539.htm>. Copies may also be obtained at your local Mental Health/Mental Retardation (MH/MR) County Program/Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

*Western Region:* Room 302, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 880-0535

*Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-3166

*Southeast Region:* Room 306, Philadelphia State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130, (215) 560-2245

*Central Region:* Room 430, Willow Oak Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

Individuals who need contact information for the local MH/MR County Program/AE, contact the appropriate regional office listed previously.

#### *Fiscal Impact*

There is no anticipated fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the rate-setting methodology described in this notice to the Department at the following addresses:

#### *By E-mail:*

Use subject header "PN PPS" to the Office of Developmental Programs rate-setting mailbox at [ra-ratesetting@state.pa.us](mailto:ra-ratesetting@state.pa.us).

#### *By postal mail:*

Department of Public Welfare  
Office of Developmental Programs  
Division of Provider Assistance and Rate Setting  
4th Floor, Health and Welfare Building  
Harrisburg, PA 17120

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD Users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-608. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1166. Filed for public inspection June 26, 2009, 9:00 a.m.]

## Supplemental Payments for Burn Center Services

#### *Purpose of Notice*

The Department of Public Welfare (Department) is providing final notice of funding allocation for Fiscal Year (FY) 2008-2009 for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled acute care general hospital burn centers. There is no change to the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to allocate funding for DSH payments to certain qualifying MA enrolled acute care general hospitals burn centers at 39 Pa.B. 1272 (March 7, 2009). The Department received no public comments during the 30-day public comment period, and will implement the changes described in its notice of intent.

#### *Fiscal Impact*

The FY 2008-2009 fiscal impact is \$11.368 million (\$5.170 million in State funds). These payments are provided for in the FY 2008-2009 Hospital Based Burn Center appropriation.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-603. (1) General Fund:

#### *Hospital Based Burn Centers*

|                                    |           |
|------------------------------------|-----------|
| (2) Implementing Year 2008-09 is   | \$5.170 M |
| (3) 1st Succeeding Year 2009-10 is | \$0.000 M |
| 2nd Succeeding Year 2010-11 is     | \$0.000 M |
| 3rd Succeeding Year 2011-12 is     | \$0.000 M |
| 4th Succeeding Year 2012-13 is     | \$0.000 M |
| 5th Succeeding Year 2013-14 is     | \$0.000 M |
| (4) 2007-08 Program—               | \$5 M     |

2006-07 Program— \$5 M

2005-06 Program— \$0 M

(7) Hospital Based Burn Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1167. Filed for public inspection June 26, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act (10 P. S. § 376(a)(1) and (2)) for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

(1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.

(2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.

(3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.

(4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.

(5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.

(6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.

(7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.

(8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.

(9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.

(10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.

(11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-1168. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Realty Transfer Tax; 2008 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2008. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania

Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2009, to June 30, 2010, exceptions indicated: The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

| <i>County</i> | <i>CLR Factor</i> |
|---------------|-------------------|
| Adams         | 4.51              |
| Allegheny     | 1.14              |
| Armstrong     | 2.76              |
| Beaver        | 3.36              |
| Bedford       | 5.59              |
| Berks         | 1.48              |
| Blair         | 12.66             |
| Bradford      | 2.77              |
| Bucks         | 10.31             |
| Butler        | ** 6.25           |
| Cambria       | 3.03              |
| Cameron       | 2.99              |
| Carbon        | 3.01              |
| Centre        | 3.47              |
| Chester       | 1.89              |
| Clarion       | ** 3.70           |
| Clearfield    | 4.74              |
| Clinton       | * 1.00            |
| Columbia      | 3.69              |
| Crawford      | 2.85              |
| Cumberland    | 1.26              |
| Dauphin       | 1.42              |
| Delaware      | 1.63              |
| Elk           | 2.61              |
| Erie          | 1.26              |
| Fayette       | 1.22              |
| Forest        | 5.10              |
| Franklin      | 8.62              |
| Fulton        | 3.00              |
| Greene        | 1.40              |
| Huntingdon    | 8.27              |
| Indiana       | 5.99              |
| Jefferson     | 1.97              |
| Juniata       | 6.90              |
| Lackawanna    | 6.17              |
| Lancaster     | 1.35              |
| Lawrence      | 1.38              |
| Lebanon       | 7.46              |
| Lehigh        | 3.50              |
| Luzerne       | * 1.00            |
| Lycoming      | 1.19              |
| McKean        | 1.31              |
| Mercer        | 3.26              |

| <i>County</i>  | <i>CLR Factor</i> |
|----------------|-------------------|
| Mifflin        | 2.15              |
| Monroe         | 7.41              |
| Montgomery     | 1.85              |
| Montour        | 1.37              |
| Northampton    | 3.37              |
| Northumberland | 4.43              |
| Perry          | 1.49              |
| Philadelphia   | 3.06              |
| Pike           | 5.85              |
| Potter         | 2.91              |
| Schuylkill     | 2.51              |
| Snyder         | 5.68              |
| Somerset       | 2.99              |
| Sullivan       | 1.66              |
| Susquehanna    | 3.06              |
| Tioga          | 1.41              |
| Union          | 1.34              |
| Venango        | 1.10              |
| Warren         | 2.89              |
| Washington     | 7.25              |
| Wayne          | 1.56              |
| Westmoreland   | 4.57              |
| Wyoming        | 4.76              |
| York           | 1.27              |

\* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2009.

\*\* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2009.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-1169. Filed for public inspection June 26, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Beaver County

Under section 2002(b) of The Administration Code of 1929 (71 P.S. § 575(b)), the Director of the Bureau of Design, makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to construct a new Veterans Memorial Bridge over the Beaver River that will connect SR 0051 on the west in Bridgewater Borough with SR 18/65 on the east in Rochester Borough, Beaver County. The new bridge will be located approximately 1/2 mile downstream of the existing Fallston Bridge.

The project will require a De Minimis Use of property from land owned by the Fish and Boat Commission, which is considered a section 4(f) and section 2002 resource.

Therefore, a "Determination of Section 4(f) De minimis Use/Section 2002 No Adverse Use for Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land, and State Game Land" Programmatic section 4(f)/section 2002 Evaluation has been prepared and approved to evaluate the potential environmental impacts caused by the project.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation and the Programmatic section 4(f)/section 2002 Evaluation.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,  
*Director*  
*Bureau of Design*

[Pa.B. Doc. No. 09-1170. Filed for public inspection June 26, 2009, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petitions for Study

On June 16, 2009, the Environmental Quality Board (EQB) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by Grace Hatton of Hawley, PA requests the redesignation of Shohola Creek within State Game Lands 180 in Pike County from High Quality—Cold Water Fishes (HQ-CWF) to Exceptional Value (EV). Under 25 Pa. Code § 93.4d(a) (relating to processing petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters. The Department's assessment notice for Shohola Creek will appear in a future issue of the *Pennsylvania Bulletin*.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is accessible on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "EQB" ("EQB Meeting/Agendas/Handouts/Minutes; June 16, 2009")).

JOHN HANGER,  
*Chairperson*

[Pa.B. Doc. No. 09-1171. Filed for public inspection June 26, 2009, 9:00 a.m.]

# GOVERNOR'S OFFICE

## Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the 27th publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed as follows (as well as any considered subsequent to publication of this Agenda) is published.

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                   |
|--|--------------------------------------|---|---|
| <b>ADMINISTRATION</b>  |                                      |   |   |
| No regulations being developed or considered at this time.                           |                                      |   |   |
| <b>AGING</b>   |                                      |   |   |
| Pa. Code Title VI<br>Chapter 15<br>Protective Services<br>for Older Adults           | December 2010,<br>as proposed.       | The Older Adults Protective Services Act is under review in light of the decision of the PA Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law to be unconstitutional. Regulations are routinely being reviewed as numerous pieces of pending legislation are being considered.   | Denise Getgen<br>(717) 772-0184         |
| Pa. Code Title VI<br>Chapter 23<br>Long-Term Care<br>Ombudsman Program               | December 2010,<br>as proposed.       | The Department wishes to promulgate regulations for the Long Term Care Ombudsman program in order to bring it into conformity with national standards.  | Denise Getgen<br>(717) 772-0184         |
| <b>AGRICULTURE</b>   |                                      |   |   |
| Domestic Animal<br>7 Pa. Code<br>Chapter 2, 3 and 16                                 | December 2009,<br>as proposed.       | This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).  | Craig E. Shultz, DVM<br>(717) 772-2852  |
| Cervidae<br>7 Pa. Code<br>Chapter 18   | December 2009,<br>as proposed.       | Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate Cervidae livestock operations. Act 51 of 2006 further amended the requirements for Cervidae livestock operations (3 Pa.C.S. §§ 2303—2380.9).  | Craig E. Shultz, DVM<br>(717) 772-2852  |
| Animal Exhibition<br>Sanitation<br>7 Pa. Code<br>Chapter 20a                         | December 2009,<br>as proposed.       | Act 211 of 2002 requires the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement (3 Pa.C.S. §§ 2501—2504).   | Dr. Craig Shultz, DVM<br>(717) 772-2852 |
| Biofuels<br>70 Pa. Code<br>Chapter 11  | August 2010, as<br>proposed.         | This regulation will satisfy the requirements of Act 78 of 2008 (the Biofuel Development and In-State Production Incentive Act).  | John Dillabaugh<br>(717) 787-6772       |
| Harness Racing<br>Commission<br>58 Pa. Code<br>Chapters 181, 183,<br>185 and 186—190 | May 2010, as<br>proposed.            | This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action. | Michael Dillon<br>(717) 705-3770        |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                                     |
|---|--------------------------------------|--|---|
| Horse Racing Commission<br>58 Pa. Code<br>Chapters 161, 163, 165, 167, 169, 171 and 173       | May 2010, as proposed.               | This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action. | Michael Dillon<br>(717) 705-3770                          |
| Pesticide Regulations<br>7 Pa. Code<br>Chapter 128  | October 2009, as proposed.           | This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes. This regulation will also increase the pesticide product registration fee.  | David Scott<br>(717) 772-5214                             |
| Fertilizer Regulations<br>7 Pa. Code<br>Chapter 73  | June 2010, as proposed.              | This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).  | John Breitsman<br>(717) 772-5215                          |
| Soil and Plant Amendment Regulations<br>7 Pa. Code<br>Chapter 130a                            | June 2010, as proposed.              | This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act.)  | John Breitsman<br>(717) 772-5215                          |
| Clean and Green Regulations<br>7 Pa. Code<br>Chapter 137b                                     | July 2009, as proposed.              | This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation.  | Douglas Wolfgang<br>(717) 783-3167                        |
| Agricultural Conservation Easement Purchase Program Regulations<br>7 Pa. Code<br>Chapter 138e | December 2009, as proposed.          | This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulation.  | Douglas Wolfgang<br>(717) 783-3167                        |
| Seed Testing Labeling and Standards<br>7 Pa. Code<br>Chapter 111                              | June 2009, as final.                 | This regulation will supplant the current regulation and implement provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).  | Joe Garvey<br>(717) 787-5609                              |
| General Provisions for Seed Certification<br>7 Pa. Code<br>Chapter 113                        | June 2009, as final.                 | This regulation will replace 7 Pa. Code Chapter 113 and implement the provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).   | Joe Garvey<br>(717) 787-5609                              |
| Standards for Seed Certification<br>7 Pa. Code<br>Chapter 115                                 | June 2009, as final.                 | This regulation will replace 7 Pa. Code Chapter 115 and implement the provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).   | Joe Garvey<br>(717) 787-5609                              |
| PA Food Code<br>7 Pa. Code<br>Chapter 46  | February 2010, as proposed.          | This regulation will amend 7 Pa. Code Chapter 46 and implement legislative changes that may occur during the promulgation process.   | William Chirdon<br>(717) 787-4315                         |
| Milk Sanitation<br>7 Pa. Code<br>Chapter 59a  | July 2009, as proposed.              | This regulation will replace 7 Pa. Code Chapter 59 and implement the provisions of the Milk Sanitation Law.  | William Chirdon<br>(717) 787-4315                         |
| <b><i>BANKING</i></b>   |                                      |  |   |
| Annual Assessment Regulation  | Early 2010                           | Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.   | Robert C. Lopez<br>Deputy Chief Counsel<br>(717) 787-9573 |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                                     |
|---|--------------------------------------|--|---|
| Regulation governing preclicensing education and testing and continuing education under 7 Pa.C.S. Ch. 61 (relating to mortgage loan industry licensing and consumer protection) | Mid 2009                             | Required pursuant to 7 Pa.C.S. § 6131(g)(3)  | Robert C. Lopez<br>Deputy Chief Counsel<br>(717) 787-9573 |
| Regulation governing the conduct of debt settlement services pursuant to the Debt Management Services Act.  | Early 2010                           | Required pursuant to 63 P. S. § 2403(b).   | Robert C. Lopez<br>Deputy Chief Counsel<br>(717) 787-9573 |
| Repeal of regulation at 10 Pa. Code Chapter 3.  | Mid 2010                             | The regulation is no longer necessary in light of Section 503.E of the Department of Banking Code, 71 P. S. § 733-503.E.   | Robert C. Lopez<br>Deputy Chief Counsel<br>(717) 787-9573 |
| Regulation governing pleading procedures for Department administrative actions.   | Early 2010                           | Regulation to create simplified and clear filing and pleading procedures specific to Department administrative proceedings and the statutes under the Department's jurisdiction. | Robert C. Lopez<br>Deputy Chief Counsel<br>(717) 787-9573 |

***BOARD OF PARDONS***

No regulations being developed or considered at this date.

***COMMUNITY & ECONOMIC DEVELOPMENT***

|   |                |  |                                    |
|---|----------------|--|------------------------------------|
| Film Production Tax Credit Program (Proposed Regulation)                            | Summer of 2009 | The purpose of the proposed regulation is to implement the provisions of the Tax Reform Code of 1971 relating to Film Production Tax Credits.              | Matthew Speicher<br>(717) 783-8452 |
| Industrialized Housing and Components 12 Pa. Code Chapter 145 (Proposed Regulation) | Summer of 2009 | The purpose of the proposed regulation is to update the regulations to keep pace with changes in the housing industry.                                     | Mark Conte<br>(717) 787-5327       |
| Local Earned Income Tax Collections (Proposed Regulation)                           | Summer of 2009 | The purpose of the proposed regulation is to implement the provisions of Act 32 of 2007 which amended Act 511 of 1965 known as the Local Tax Enabling Act. | Matthew Speicher<br>(717) 783-8452 |

***COMMISSION ON CRIME AND DELINQUENCY***

|  |                         |  |                         |
|--|-------------------------|--|-------------------------|
| 37 Pa. Code Chapter 411 Crime Victims Compensation               | September 2009<br>Final | This regulation is necessary to increase reimbursement to crime victims according to rising costs, expand eligibility for reimbursement, and simplify claims processing procedures, while reducing the percentage of reimbursement to hospitals and licensed health care providers to conform to the practice of other third party providers.  | Lynn Shiner<br>265-8736 |
| 37 Pa. Code Chapter 431 Constables' Education and Training Board | July 2009<br>Proposed   | The purpose of this regulation is to eliminate any waivers of the firearms portion of the basic training course, preclude any constable under the age of 21 from participating in the firearms portion of the basic training course and to require a constable who fails a first and second examination in the basic training course bear the financial responsibility for a second or third basic training. | John Pfau<br>265-8546   |



| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>    | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>   |
|---|---|--|---|
| <b>CONSERVATION &amp; NATURAL RESOURCES</b>                                 |   |  |   |
| State Forests (Chapter 21)  | Publish proposed rulemaking August 2009 | A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502).   | Matt Beaver, (717) 783-0379<br>Susan Wood, Esq. (717) 772-4171        |
| State Forest Picnic Areas (Chapter 23)                                      | Publish proposed rulemaking August 2009 | The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502).   | Matt Beaver, (717) 783-0379<br>Susan Wood, Esq. (717) 772-4171        |
| Conservation of Pennsylvania Native Wild Plants (Chapter 45)                | Publish proposed rulemaking August 2009 | Major purpose of rulemaking is to establish a more workable procedure for updating the classifications of native wild plants by removing the classifications from the regulatory process. The classifications would be established by publication in the <i>Pennsylvania Bulletin</i> . Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Section 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.313). | Chris Firestone (570) 724-8149<br>Susan Wood, Esq. (717) 772-4171     |
| <b>CORRECTIONS</b>  |   |  |   |
| Promulgation of County Transportation Guidelines                            | June, 2009                              | The guidelines are required by Act 81 of 2008, P. L. 1026, No. 81.   | Randall N. Sears (717) 731-0444                                       |
| Revisions to 37 Pa. Code Chapter 93   | July 2009, as proposed.                 | The Motivational Boot Camp regulations are being revised to eliminate unnecessary staffing provisions.   | Timothy Holmes (717) 731-0444   |
| Amendments to 37 Pa. Code § 94.4  | July, 2009, as proposed.                | The amendment will restrict the ability of individuals to purchase items from outside the institution for inmates.   | Theron Perez (717) 731-0444   |
| <b>EDUCATION</b>  |   |  |   |
| Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapter C | Spring 2010, as final.                  | These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1—101, et. Seq.   | John Tommasini (717) 783-6134   |
| Academic Standards and Assessment, 22 Pa. Code Chapter 4                    | November 2009, as final.                | These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma.   | Jim Buckheit (717) 787-3787<br>or<br>Diane Castelbuono (717) 787-2127 |
| Higher Education—Program Approval 22 Pa. Code Chapter 42                    | July 2009, as final.                    | These regulations establish procedures for approval of specialized associate degree programs, upper division programs at two-year and community colleges, graduate programs and vocational education programs.   | Jim Buckheit<br>or<br>Deborah Wynn (717) 787-3787                     |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>   |
|--|--|---|---|
| Regulations of the State Board of Private Academic Schools<br>22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63   | Fall 2009, as proposed.  | These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. Seq.)   | Linda Rhen<br>(717) 705-5014<br>or<br>Parker Martin<br>(717) 783-9280           |
| Academic Standards and Assessment—<br>22 Pa. Code Chapter 4—<br>Appendix A—<br>Academic standards for reading, writing, speaking and listening and mathematics | July 2009, as proposed.  | Chapters 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on state academic standards. The standards for reading, writing, speaking and listening and mathematics were issued in January 1999. The Board, in accordance with Section 4.12(i) seeks to review the standards for the purpose of clarifying, consolidating and correcting the standards.   | Jim Buckheit<br>or<br>Deborah Wynn<br>(717) 787-3787                            |
| Regulations for Pennsylvania Pre-K Counts, Section 1511D, of Act 45, Amending the School Code  | June/July 2009, Final-Omitted Regulations.   | These regulations implement the guidelines, standards and procedures relevant to the Pennsylvania Pre-K Counts program providing early childhood educational opportunities to 3 and 4 year-olds by local educational agencies, child care centers and group child care homes, Head Start grantees and licensed nursery schools as final-omitted regulations.  | Harriet Dichter<br>(717) 346-9320<br>or<br>Linda Brown Warren<br>(717) 346-4036 |
| Higher Education—College and University Security<br>22 Pa. Code Chapter 33   | July 2009, as proposed.  | This chapter governs the responsibility of institutions of higher education to comply with the College and University Security Information Act. The chapter applies to independent institutions of higher education, community colleges, member institutions of the State System and State-related institutions.  | Jim Buckheit<br>or<br>Deborah Wynn<br>(717) 787-3787                            |
| <b>EMERGENCY MANAGEMENT AGENCY</b>   |  |   |   |
| No regulations being developed or considered at this time.   |  |   |   |
| <b>ENVIRONMENTAL HEARING BOARD</b>   |  |   |   |
| 25 Pa. Code Chapter 1021 Practice and Procedure  | The Environmental Hearing Board published proposed rulemaking on November 8, 2008. | The rulemaking proposes to add new rules on the following topics: 1) default judgment; 2) withdrawal of appeals without prejudice; 3) prepayment of penalties; and 4) expedited litigation. The rulemaking also proposes revisions to existing rules, including summary judgment, discovery, participation in litigation by parties of interest, and filings and service. Final rulemaking is expected to be published in 2009. The Board is engaged in a pilot project before adopting a new rule on electronic discovery. | Maryanne Wesdock<br>(412) 565-5245  |
| <b>ENVIRONMENTAL PROTECTION</b>  |  |   |   |
| Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act<br>25 Pa. Code Chapter 77  | FY 09-10   | Revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including, hydrologic data requirements and updates to permit application fees to support program activities.   | Bill Allen<br>(717) 783-9580<br>wallen@state.pa.us                              |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                                   |
|--|--------------------------------------|--|---|
| Remining Financial Guarantees and Federal OSM Consistency Rule Surface Mining Conservation & Reclamation Act 25 Pa. Code Chapters 86, 87 and 88  | FY 09-10                             | Revisions to Chapter 86—88 to include remining financial guarantees proposal, and revisions to address program conditions that are currently inconsistent with federal OSM rules, including self-bonding, decisions on incidental coal extraction, coal exploration on areas unsuitable for mining, impoundment design criteria, and disposal of noncoal waste and NPDES permit-by-rule for abandoned mine discharges.   | Bill Allen<br>(717) 783-9580<br>wallen@state.pa.us      |
| Water Supply Replacement Surface Mining Conservation & Reclamation Act 25 Pa. Code Chapters 87 and 88  | FY 09-10                             | Revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.   | Keith Brady<br>(717) 787-4814<br>kbrady@state.pa.us     |
| Mining Fees Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapters 77, 86, 210 and 211  | FY 09-10                             | Increase permit application fees to support program activities.  | Bill Allen<br>(717) 783-9580<br>wallen@state.pa.us      |
| Areas Unsuitable for Surface Mining Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapter 86  | FY 09-10                             | Amendments to 25 Pa. Code Section 86.130 to add subsection (b)(18) to designate the Lower Kittanning, Clarion, Brookville and Mercer coals within the upper portion of the Muddy Run watershed, Reade Township, Cambria County, as unsuitable for surface mining operations. The regulation is the result of a comprehensive technical evaluation conducted in response to a petition submitted to the EQB by the Reade Township Municipal Authority, which requested that an area within the Muddy Run drainage be designated as unsuitable for surface mining operations.  | Geoff Lincoln<br>(717) 783-9582<br>glincoln@state.pa.us |
| Mine Subsidence Insurance Fund General Provisions The Act of August 23, 1961 (P. L. 1068, No. 484), as amended, (52 P. S. §§ 3201-3225) (Act). 25 Pa. Code Chapter 401<br>*See note in Summary | FY 09-10                             | Revisions to Chapter 401 to expand Mine Subsidence Insurance (MSI) coverage to apply to appurtenances to structures as well as to structures, the removal of provisions that change periodically, such as premium rates and policy limits, so that they can be provided in the insurance policy, the explicit authority to provide grants, the option to compensate for the cost to repair or the diminution in market value (this option will allow an otherwise uninsurable to continue to carry coverage after a loss), and other editorial changes.<br><br>*Note: Section 19 of the Act provides that the MSI Board has the authority to promulgate rules and regulations and to establish other provisions of the insurance policy as it deems prudent. | Larry Ruane<br>(717) 783-9590<br>lruane@state.pa.us     |
| Oil & Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78  | FY 09-10                             | Revisions to Chapter 78 (Oil and Gas Wells) that governs the drilling, operation and plugging of oil and gas wells. Includes changes to bond amount and plugging procedures to attain a more effective seal; quantity and quality for replacement water supplies as well as adequate operation and maintenance; and alternate requirements for casing, cementing and plugging wells through mineable coal seams to facilitate future mining through the wells or recovery of coal bed methane prior to mining.   | Ron Gilius<br>(717) 772-2199<br>rgilius@state.pa.us     |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>   |
|--|--------------------------------------|---|---|
| Oil & Gas Well Permit Fees<br>Oil and Gas Act<br>25 Pa. Code<br>Chapter 78   | FY 09-10                             | Amendments to Chapter 78 (Oil and Gas Wells) to increase the fees imposed for oil and gas well permits. The fee increases are based on the depth and length of the well bore.   | Ron Gilius<br>(717) 772-2199<br>rgilius@state.pa.us           |
| Bluff Recession and Setback Amendments<br>Bluff Recession and Setback Act<br>25 Pa. Code<br>Chapter 85   | FY 09-10                             | This proposal will update Chapter 85 based on the bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County.  | Andrew Zemba<br>(717) 772-5633<br>azemba@state.pa.us          |
| Administration of Sewage Facilities Planning Program<br>Pennsylvania Sewage Facilities Act<br>25 Pa. Code<br>Chapter 71  | FY 09-10                             | Comprehensive reorganization and revision to replace Chapter 71 with Chapter 71a. Major revisions include: 1) the inclusion of a requirement for municipalities to review and determine adequacy of their Act 537 Official Plan at least every 10 years; 2) change in DEP process relating to plan review time frames; and 3) new planning requirements in special protection watersheds.   | John Diehl<br>(717) 787-8184<br>jdiehl@state.pa.us            |
| Administration of Sewage Facilities Permitting Program<br>Pennsylvania Sewage Facilities Act<br>25 Pa. Code<br>Chapter 72  | FY 09-10                             | Comprehensive reorganization and revision to replace Chapter 72 with Chapter 72a. Major revisions include a change to the permitting structure to include classifications of Major, Minor and Emergency Permits; and a new requirement for municipalities to certify that they have the ability to assure Operation & Maintenance oversight for onlot systems.  | John Diehl<br>(717) 787-8184<br>jdiehl@state.pa.us            |
| Standards for Sewage Disposal Facilities<br>Pennsylvania Sewage Facilities Act<br>25 Pa. Code<br>Chapter 73  | FY 09-10                             | Comprehensive reorganization and revision to replace Chapter 73 with Chapter 73a. Major revisions include outlining new site suitability standards for system approval; and recognizing various levels of treatment characterized as primary, secondary, advanced, and nutrient removal. Additionally, design standards are being restructured from system based to component based which will allow increased system design flexibility to meet limiting site factors. | John Diehl<br>(717) 787-8184<br>jdiehl@state.pa.us            |
| General Provisions Amendments<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 91<br>General Provisions  | FY 09-10                             | This proposal will include amendments to Chapter 91 to require a management plan as part of the permit application, and clarify issuance of innovative technology permits for wastewater treatment facilities. The proposal will also include revisions to account for changes to CAFO regulations.   | Kevin McLeary<br>(717) 787-8184<br>kmcleary@state.pa.us       |
| National Pollution Discharge Elimination System Permitting, Monitoring and Compliance—NPDES<br>Clean Water Act<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 92 | FY 09-10                             | Comprehensive reorganization and revision to replace Chapter 92 with Chapter 92a, organized similarly to 40 CFR 122. Major revisions include provisions for a new fee structure and permit-by-rule for Single Residence STPs.   | Tom Starosta<br>(717) 787-4317<br>tstarosta@state.pa.us       |
| Clark Creek, et al Stream Redesignations Package<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 93   | FY 09-10                             | This proposal identifies the six following streams that should be redesignated to provide the correct aquatic life use designation in the water quality standards: UNT Lackawanna River "Clarks Creek" (Wayne County), Pine Creek (Schuylkill County), UNT Conestoga River (Lancaster County), Hammer Creek, (Lebanon & Lancaster Counties), UNT Schuylkill River "Spring Mill Run" (Montgomery County), and Cacoosing River (Berks County).                            | Rodney McAllister<br>(717) 787-9637<br>romcallist@state.pa.us |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>   |
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| Blue Eye Run, et al. Stream Redesignations Package<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 93                          | FY 09-10                             | This rulemaking identifies the following seven stream segments that should be redesignated to provide the correct aquatic life use designation in the water quality standards: (Blue Eye Run (Warren County), E. Br. Dyberry Creek (Wayne County), East Hickory Creek (Warren County), Muncy Creek (Sullivan County), Spruce Run (Union County), UNT Tunkhannock Creek (Susquehanna County), and Young Womans Creek (Clinton County). | Rodney McAllister<br>(717) 787-9637<br>romcallist@state.pa.us |
| Water Quality Standards for Molybdenum<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 93<br>Water Quality Standards           | FY 09-10                             | This rulemaking will add statewide water quality criterion in Chapter 93 for molybdenum, a substance that is documented to have toxic effects on human, animal and plant life at certain levels or concentrations.  | Tom Barron<br>(717) 787-9637<br>tbarron@state.pa.us           |
| Municipal Wasteload Management Amendments<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 94<br>Municipal Wasteload Management | FY 09-10                             | Comprehensive review and revisions to Chapter 94. Major changes under consideration include eliminating the "maximum monthly average daily flow" parameter.   | Kevin McLeary<br>(717) 783-1820<br>kmcleary@state.pa.us       |
| Water Quality Standards Implementation<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 96                                      | FY 09-10                             | Redress known sources of impairment. Plan for TMDL and Watershed—Based Permitting. Provide for regulatory coverage of existing policies and practices.  | Tom Starosta<br>(717) 787-4317<br>tstarosta@state.pa.us       |
| Wastewater Treatment Requirements<br>Clean Streams Law<br>25 Pa. Code<br>Chapter 95   | FY 09-10                             | Add section with treatment requirements for TDS, chlorides and sulfates.  | John Wetherell<br>(717) 783-2938<br>jwetherell@state.pa.us    |
| Operator Certification Program<br>Water and Wastewater Systems Operators' Certification Act<br>25 Pa. Code<br>Chapter 302     | FY 09-10                             | These regulations formalize requirements for certification of drinking water and wastewater system operators.   | Veronica Kasi<br>(717) 772-4053<br>vbkasi@state.pa.us         |
| Lead and Copper Short Term Revisions<br>Safe Drinking Water Act<br>25 Pa. Code<br>Chapter 109                                 | FY 09-10                             | Amendments to incorporate the Federal lead and copper short term revisions into Chapter 109. This Rule will strengthen the implementation of the LCR in the following areas: monitoring, treatment processes, public education, customer awareness, and lead service line replacement.  | Lisa Daniels<br>(717) 772-2189<br>ldaniels@state.pa.us        |
| Drinking Water Fees<br>Safe Drinking Water Act<br>25 Pa. Code<br>Chapter 109  | FY 09-10                             | Amendments to update drinking water program fees  | Kevin McLeary<br>(717) 783-1820<br>kmcleary@state.pa.us       |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>   |
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| <p>Safe Drinking Water Amendments (including the Stage 2 Disinfectants and Disinfection Byproducts Rule; the Long Term 2 Enhanced Surface Water Treatment Rule, and the Microbial Pathogens in Groundwater Rule) Safe Drinking Water Act<br/>25 Pa. Code Chapter 109</p> <p>NOTE: At proposed rulemaking, the Stage 2 Disinfectants and Disinfection Byproducts Rule, the Long Term 2 Enhanced Surface Water Treatment Rule, and the Microbial Pathogens in Groundwater Rule were published as three separate rulemakings.</p> | FY 09-10                             | <p>This rulemaking will implement the requirements of the federal Stage 2 DDBR that was effective March 6, 2006. The rule will require community water systems and noncommunity water systems, which treat drinking water with a primary disinfectant other than UV to conduct additional compliance monitoring for trihalomethanes and haloacetic acids. The rulemaking also amends the Department's Safe Drinking Water regulations to further protect public health against <i>Cryptosporidium</i> and other microbial pathogens in drinking water. The proposed amendments will apply to public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water. Finally, the rulemaking incorporates the Environmental Protection Agency's Final Ground Water Rule, which was promulgated on November 8, 2006, to provide for increased protection against microbial pathogens in public water systems that use ground water sources. The final rulemaking also incorporates some minor variance and exemptions revisions to be consistent with Federal regulations.</p> | <p>Dave Hissner<br/>(717) 773-9706<br/>dahissner@state.pa.us</p>        |
| <p>Erosion and Sediment Control and Stormwater Management Clean Streams Law<br/>25 Pa. Code Chapter 102</p>  | FY 09-10                             | <p>Several major modifications/revisions include: addition of provisions from Chapter 92 that relate to NPDES permitting requirements for discharges associated with construction activity; incorporate post construction stormwater management; incorporate buffer provisions; and revise permit requirements by adding a Permit-by-Rule option.</p>   | <p>Ken Murin<br/>(717) 772-5975<br/>kmurin@state.pa.us</p>              |
| <p>Dam Safety and Waterways Management Dam Safety and Encroachments Act and Clean Streams Law<br/>25 Pa. Code Chapter 105</p>  | FY 09-10                             | <p>Several major modifications/revisions include: changes to permit requirements; permit application requirements; environmental assessment, and wetland replacement criteria.</p>  | <p>Sidney Freyermuth<br/>(717) 772-5977<br/>sfreyermuth@state.pa.us</p> |
| <p>Dam Safety and Waterways Management Dam Safety and Encroachments Act and Clean Streams Law<br/>25 Pa. Code Chapter 105</p>  | FY 09-10                             | <p>This rulemaking package will amend existing regulations at 25 Pa. Code Chapter 105 to address concerns raised by the Auditor General.</p>  | <p>Dennis Dickey<br/>(717) 772-5951<br/>dedickey@state.pa.us</p>        |

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| Control of Nitrogen Oxide (NOx) Emissions from Glass Furnaces<br>Air Pollution Control Act, 25 Pa. Code Chapters 121 and 129      | FY 09-10                             | The final-form rulemaking would establish nitrogen oxide (NOx) emission control requirements, emission standards and emission limitations for glass melting furnaces and related administrative requirements for glass melting furnaces. Adoption of NOx emission limits for glass melting furnaces is part of the Commonwealth's strategy, in concert with other jurisdictions in the Ozone Transport Region, to reduce transport of ozone to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard. In addition, the strategy will also provide NOx emission reductions necessary to reduce the formation of fine particulates and regional haze.  | Jane Mahinske<br>(717) 783-8949<br>jmahinske@state.pa.us  |
| Control of Nitrogen Oxide (NOx) Emissions from Cement Kilns<br>Air Pollution Control Act<br>25 Pa. Code Chapters 121, 129 and 145 | FY 09-10                             | The final-form rulemaking would revise existing NOx emission limits for cement kilns by establishing allowable NOx emission limits for certain types of cement kilns. The rulemaking amendments to Chapter 129 have been deleted and in the final-form rulemaking are incorporated into Chapter 145, Subchapter C to amend the existing cement kilns regulation. The final-form rulemaking includes several compliance demonstration options including compliance on a kiln-by-kiln, facility-wide or system-wide basis among Portland cement kilns under the common control of the same owner or operator in this Commonwealth. Adoption of NOx emission limits for cement kilns is part of the Commonwealth's strategy, in concert with other jurisdictions in the Ozone Transport Region (OTR), to reduce the transport of ozone to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard (NAAQS). The Department will also make progress in achieving and maintaining the fine particulates NAAQS. | Jane Mahinske<br>(717) 783-8949<br>jmahinske@state.pa.us  |
| Adhesives and Sealants<br>Air Pollution Control Act<br>25 Pa. Code Chapters 129 and 130   | FY 09-10                             | The final-form rulemaking would adopt volatile organic compound content limits for 37 categories of adhesives, adhesive primers, sealants, sealant primers, and adhesives applied to certain substrates. The proposed rulemaking would also add requirements for the control of emissions from the use or application of adhesives, sealants and primers by the owners or operators of stationary sources. This proposed rulemaking would be consistent with regulatory initiatives recommended by the Ozone Transport Commission to address regional transport of ozone precursor emissions.   | Randy Bordner<br>(717) 772-3921<br>ranbordner@state.pa.us |

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| Air Quality Plan Approval and Operating Permit Fees<br>Air Pollution Control Act<br>25 Pa. Code Chapters 127 and 139                 | FY 09-10                             | The proposed rulemaking will amend existing requirements and fees codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees), and add new categories of fees to Chapter 127, Subchapter I, to address modifications of existing plan approvals and requests for determination of whether a plan approval is required. The proposed rulemaking also adds a new section to address fees for risk assessment applications. The proposed rulemaking will amend the existing emission fee paid by the owner or operator of a Title V facility. The proposed rulemaking will also add Subchapter D (relating to testing, auditing and monitoring fees) to Chapter 139 to add new categories of fees and to establish a fee schedule to address Department-performed source testing and auditing and monitoring activities for continuous emission monitoring systems (CEMS).   | Dean Van Orden<br>(717) 783-9264<br>dvanorden@state.pa.us  |
| Nonattainment New Source Review Particulate Matter 2.5 (NNSR PM2.5)<br>Air Pollution Control Act<br>25 Pa. Code Chapters 121 and 127 | FY 09-10                             | The proposed rulemaking would amend the existing nonattainment new source review (NSR) requirements in 25 Pa. Code Chapter 127, Subchapter E (relating to new source review), §§ 127.201—127.218, to incorporate recently promulgated Federal requirements for particulate matter equal to and less than 2.5 micrometers in diameter (PM2.5) and PM2.5 precursors. The proposed amendments would limit the emissions of PM2.5 and PM2.5 precursors for new major sources or major sources being modified in certain counties and portions of counties of this Commonwealth that are designated as nonattainment for the PM2.5 National Ambient Air Quality Standard. The Federal regulation requires a state with PM2.5 nonattainment areas to submit revised nonattainment NSR PM2.5 requirements to the U.S. Environmental Protection Agency (EPA) for State Implementation Plan (SIP) approval within three years of publication of the final rule. Therefore, the Commonwealth needs to amend its NSR regulations and submit a SIP revision to the EPA by May 16, 2011. | Virendra Trivedi<br>(717) 772-3979<br>vtrivedi@state.pa.us |
| Large Appliance and Metal Furniture Coating Processes (LA/MF CTG)<br>Air Pollution Control Act<br>25 Pa. Code Chapter 129            | FY 09-10                             | <p>The proposed rulemaking would amend the existing surface coating regulations under 25 Pa. Code Chapter 129 to further reduce the emissions of volatile organic compounds (VOCs) from large appliance and metal furniture coating processes to meet the Clean Air Act “reasonably available control measures” requirement for ozone nonattainment areas. The proposal would add 25 Pa. Code § 129.52a (relating to large appliance and metal furniture coating processes) to adopt emission limits and work practice standards for large appliance and metal furniture surface coating operations.</p> <p>The proposed rulemaking would also amend 25 Pa. Code § 129.52, which limits VOC emissions from surface coating processes, to terminate applicability of 25 Pa. Code § 129.52 to large appliance and metal furniture surface coating operations, including the current VOC content limits for large appliance and metal furniture coatings listed in Table 1, as of the date of applicability of the requirements of the proposed 25 Pa. Code § 129.52a.</p>     | Susan Hoyle<br>(717) 772-2329<br>shoyle@state.pa.us        |



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| Paper, Film and Foil Coating Processes (PFF CTG)<br>Air Pollution Control Act<br>25 Pa. Code Chapter 129                    | FY 09-10                             | The proposed rulemaking would amend the existing surface coating regulations to further reduce the emissions of volatile organic compounds (VOCs) from paper, film and foil coating processes to meet the Clean Air Act "reasonably available control measures" requirement for ozone nonattainment areas. The proposal would add 25 Pa. Code § 129.52b (relating to paper, film and foil coating processes) to adopt emission limits and work practice standards for paper, film and foil surface coating operations. The proposed rulemaking would also amend 25 Pa. Code § 129.52, which limits VOC emissions from surface coating processes, to terminate applicability of 25 Pa. Code § 129.52 to paper, film and foil surface coating operations, including the current VOC content limits for paper coatings listed in Table 1, as of the date of applicability of the requirements of the proposed 25 Pa. Code § 129.52b.      | Susan Hoyle<br>(717) 772-2329<br>shoyle@state.pa.us  |
| Flat Wood Paneling Coating Processes (FWP CTG)<br>Air Pollution Control Act<br>25 Pa. Code Chapter 129                      | FY 09-10                             | The proposed rulemaking would amend 25 Pa. Code § 121.1 (relating to definitions) and Chapter 129 (relating to standards for sources) to add requirements to reduce the emissions of volatile organic compounds (VOCs) from flat wood paneling coating processes to meet the Clean Air Act "reasonably available control measures" requirement for ozone nonattainment areas. The proposal would add 25 Pa. Code § 129.52c (relating to control of VOC emissions from flat wood paneling coating processes) to adopt emission limits and work practice standards for flat wood paneling coating operations.  | Susan Hoyle<br>(717) 772-2329<br>shoyle@state.pa.us  |
| Outdoor Wood-fired Boilers (OWB)<br>Air Pollution Control Act<br>25 Pa. Code Chapter 123                                    | FY 09-10                             | The proposed rulemaking would add 25 Pa. Code § 123.14 (relating to outdoor wood-fired boilers) to 25 Pa. Code Chapter 123 (relating to standards for contaminants). The proposed rulemaking would also add new and revise certain existing definitions in 25 Pa. Code § 121.1 (relating to definitions). The proposed rulemaking would set emission standards for outdoor wood-fired boilers (OWBs) sold, distributed or newly installed in the Commonwealth of Pennsylvania. This proposed rulemaking would limit emissions of particulate matter (PM), largely including emissions of fine particulates equal to and less than 2.5 micrometers in diameter (PM <sub>2.5</sub> ). The proposed rulemaking would establish setback requirements for newly installed OWBs and establish fuel and stack height requirements, and seasonal prohibitions, for all OWBs operated in this Commonwealth whether existing or newly-installed. | Jane Greber<br>(717) 772-2328<br>jgreber@state.pa.us |
| Underground Storage Tank Operator Training Requirements<br>Storage Tank and Spill Prevention Act<br>25 Pa. Code Chapter 245 | FY 09-10                             | Revisions to Chapter 245 to provide for training requirements for three distinct classes of underground storage tank system operators. The final rulemaking will include a description of the classes of operators, required training for each class of operator, deadlines when operator training is required, and acceptable forms of training. The Federal Energy Policy Act of 2005 required EPA to publish operator training guidelines by August 8, 2007. States receiving Federal funding under Subtitle I of RCRA must develop state-specific operator training requirements consistent with the EPA guidelines by August 8, 2009.   | Ray Powers<br>(717) 772-5809<br>rapowers@state.pa.us |

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| Municipal and Residual Waste Amendments<br>Solid Waste Management Act and Waste Transportation Safety Act<br>25 Pa. Code Chapters 271—285 and 287—299                                  | FY 09-10                             | These proposed revisions are comprehensive modifications to the Municipal and Residual Waste Regulations, including: consolidating similar chapters and standardizing provisions, where applicable, between the two volumes; revising and clarifying definitions, including the definition of “waste”; developing additional permits-by-rule; incorporating commodity disposal bans; revising the local and municipal involvement process for waste disposal and processing facility applications; and revising the environmental assessment and harms/benefits test. The package will also include regulations to implement the Waste Transportation Safety Program as authorized by Act 90 of 2002. | Ken Reisinger<br>(717) 783-2388<br>kereisinger@state.pa.us   |
| Beneficial Use of Coal Ash<br>Solid Waste Management Act<br>Clean Streams Law<br>Surface Mining and Reclamation Act<br>Administrative Code of 1929<br>25 Pa. Code Chapters 287 and 290 | FY 09-10                             | This rulemaking adds a new definition and revises definitions in Chapter 287 and moves coal ash beneficial use provisions to a new Chapter 290. Incorporates technical guidance provisions for use of coal ash at mine sites into regulations. Sets maximum leachate concentrations for coal ash, physical properties for use, storage requirements, water quality monitoring and assessment and abatement requirements and coal ash qualification (certification) standards and procedures.  | Steve Socash<br>(717) 787-7381<br>ssicash@state.pa.us        |
| Administration of the Land Recycling Program (Act 2)<br>Land Recycling and Environmental Remediation Standards Act<br>25 Pa. Code Chapter 250  | FY 09-10                             | Revisions to Chapter 250 (Administration of the Land Recycling Program). This proposal includes a number of miscellaneous revisions to the regulations and an update of the Statewide Health Standards Tables based on new toxicological information.   | Dave Crownover<br>(717) 783-7502<br>dcrownover@state.pa.us   |
| Administration of the Uniform Environmental Covenant Act<br>Uniform Environmental Covenant Act<br>25 Pa. Code Chapter ____ (TBD)   | FY 09-10                             | This rulemaking will establish regulations for the implementation of the Uniform Environmental Covenant Act.  | Troy Conrad<br>(717) 783-9480<br>tconrad@state.pa.us         |
| Environmental Laboratory Accreditation<br>Environmental Laboratory Accreditation Act (Act 90 of 2002) (27 Pa.C.S. §§ 4101 et seq.)<br>25 Pa. Code Chapter 252                          | FY 09-10                             | This rulemaking will include a number of amendments to clarify several provisions of the existing regulations in Chapter 252, including the fee structure, definitions, accreditation by rule parameters, and NELAP equivalency.  | Aaren Shaffer Alger<br>(717) 346-8212<br>aaalger@state.pa.us |
| <b>GENERAL SERVICES</b>  |                                      |   |  |
| Surplus State Property<br>4 Pa. Code Chapters 41, 43, 45 and 47  | Fall 2010, as proposed.              | These regulations will be updated to reflect current agency practice and procedure.   | Gary F. Ankabrandt<br>(717) 783-1982                         |
| Responsibility,<br>4 Pa. Code Chapter 60   | Fall 2009, as proposed.              | This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.   | Gary F. Ankabrandt<br>(717) 783-1982                         |

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| Committee on Construction Contract Documents, 4 Pa. Code Chapter 62   | Winter 2010, as final omitted.                               | The Procurement Code repealed the legislation creating this committee, which no longer exists.  | Gary F. Ankabrandt (717) 783-1982 |
| Selections Committee, 4 Pa. Code Chapter 64   | Winter 2010, as final omitted.                               | These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.   | Gary F. Ankabrandt (717) 783-1982 |
| Emergency Construction Repairs 4 Pa. Code Chapter 67  | Winter 2010, as final omitted.                               | These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.   | Gary F. Ankabrandt (717) 783-1982 |
| Contract Compliance 4 Pa. Code Chapter 68, Subchapter A, Prequalification of Vendors and Nonconstruction Contractors                              | Winter 2010, as final omitted.                               | These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.   | Gary F. Ankabrandt (717) 783-1982 |
| Methods of Awarding Contracts, 4 Pa. Code Chapter 69  | Winter 2010, as final omitted.                               | These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.   | Gary F. Ankabrandt (717) 783-1982 |
| Commonwealth Parking Facilities, 4 Pa. Code Chapter 71  | Withdrawn Fall 2008, Resubmit Winter 2010, as final omitted. | The regulations do not reflect changes to agency procedure and practice and the continuing changes to the Capitol Complex.  | Gary F. Ankabrandt (717) 783-1982 |
| Commonwealth Automotive Fleet 4 Pa. Code Chapters 39 and 73   | Winter 2010, as final omitted.                               | These regulations need to be reviewed and updated to reflect current practice.  | Gary F. Ankabrandt (717) 783-1982 |
| Exercise of First Amendment Rights on Commonwealth Property 4 Pa. Code Chapter 85   | Winter 2010, as final omitted.                               | The regulation will be rewritten to reflect the current organizational structure and to conform to changes which will be made to the Statement of Policy in Chapter 86.   | Gary F. Ankabrandt (717) 783-1982 |
| Use of the Forum 4 Pa. Code Chapter 87  | Winter 2010, as final omitted.                               | The regulations will be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.  | Gary F. Ankabrandt (717) 783-1982 |
| State Metrology Laboratory Fee Schedule 70 Pa. Code 110.2   | Spring 2009, as proposed.                                    | The fee schedule will be updated.   | Gary F. Ankabrandt (717) 783-1982 |
| <b>HEALTH</b>   |  |   |                                   |
| Health Facility Licensure—General Administrative Chapter and General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq. | February 2010, as proposed.                                  | The amendments to existing regulations will update the licensure requirements for hospitals and other health care facilities. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.   | James T. Steele (717) 783-2500    |
| Communicable and Non-Communicable Diseases 28 Pa. Code § 27.1 et seq.   | October 2009, as proposed.                                   | The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation and revise language pertaining to reportable diseases. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21. | Jalene Kolb (717) 783-2500        |

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| Supplemental Nutrition Program for Women, Infant's and Children (WIC)<br>28 Pa. Code § 1101.1 et seq.                            | August 2009, as final.               | The amendments to existing regulations will bring the Commonwealth into compliance with the requirements of the federal Child Nutrition and WIC Reauthorization Act of 2004. Pursuant to the Child Nutrition and WIC Reauthorization Act of 2004, Pub. L. No. 108-265, § 203, 118 Stat. 729, 771—780. <i>See</i> , 42 U.S.C. § 1786.   | Douglas Snyder<br>(717) 783-2500     |
| School Immunization Requirements<br>28 Pa. Code §§ 23.83 and 23.86   | January 2010, as final.              | The amendments to existing regulations will revise immunization requirements for school entry and attendance, add a grace period for the provision of vaccinations in order for them to be considered valid, and change school reporting requirements to require reporting of doses of vaccine given. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).   | Yvette M. Kostelac<br>(717) 783-2500 |
| Health Facility Licensure Home Care Agencies and Home Care Registries<br>28 Pa. Code Chapter 611                                 | September 2009, as final.            | These new regulations are being promulgated pursuant to Section 803(10) of the Health Care Facilities Act, Act of July 19, 1979 (P. L. 130, No. 48), <i>as amended</i> , 35 P. S. § 448.803(1), and Act 2006-69 at § 809.1. Act 69 of 2006 expressly authorized the Department to set licensure standards for home care agencies and home care registries. Home care agencies employ direct care workers and home care registries refer direct care workers who are independent contractors to provide home care services to individual in their home or other independent living environment. Home care services include assistance with activities of daily living and instrumental activities of daily living, companionship, respite care and other non-medical services.  | Karin Simpson<br>(717) 783-2500      |
| Outpatient Integrated Treatment for Persons with Co-Occurring Psychiatric and Substance Use Disorders<br>28 Pa. Code Chapter 719 | October 2009, as proposed.           | These new regulations would be promulgated, simultaneously with identical regulations from the Department of Public Welfare, to permit providers of drug & alcohol treatment services and mental health treatment services to obtain licenses from the Departments of Health and Public Welfare authorizing them to deliver integrated treatment on an outpatient basis to persons suffering from co-occurring psychiatric and substance use disorders. The proposed regulations would establish minimum requirements for licensure, including staffing, training, records, and other aspects required for appropriate treatment delivery. There are currently no regulations which provide for licensure of providers of integrated treatment for co-occurring disorders. Instead, facilities that wish to provide integrated treatment currently must meet all the requirements to obtain separate licenses for drug and alcohol and mental health treatment. The proposed regulations would simplify the survey and licensure process for providers. These regulations would be published pursuant to the Department's authority under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922, 1001—1031 and 1051—1059), as transferred to the Department under Reorganization Plan No. 2 of 1977 (71 P. S. § 751-25) and Reorganization Plan No. 4 (71 P. S. § 751-31), and the Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.114). | Robert T. Datorre<br>(717) 783-2500  |

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| Nursing home regulations<br>28 Pa. Code §§ 201.3 and 211.6 | October 2009, as proposed.           | Recent amendments made by Act 68 of 2008 to the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1922) include a definition for the term “social worker” and prohibits individuals from holding themselves out as social workers, using the title of “social worker” or using the abbreviation of “S.W.” without meeting Act 68’s definition of “social worker.” Act 68 also prohibits “advertising as a social worker and adopting or using any title or description of services incorporating the term ‘social worker’ and their related abbreviations, which implies directly or indirectly that the individual is a social worker.” The new statutory definition of a “social worker” conflicts with the definition in the Department’s nursing home regulations. In order to resolve this conflict and allow facilities to continue to employ the individuals they currently employee in these positions (and who do not meet the new statutory definition of a social worker) the Department would propose to amend the term “social worker” in the regulations to “social services coordinator.” This will continue to allow nursing homes to hire individuals who meet the qualifications in the Department’s nursing home regulations and in federal nursing home regulations, thereby giving facilities a larger pool of potential employees and controlling health care costs. The amendments would be promulgated pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b, and Act 68. | Robert T. Datorre<br>(717) 783-2500    |
| Urgent Care Regulations<br>28 Pa. Code § 101.4 and Ch. 117 | October 2009, as proposed.           | These regulations would establish requirements for hospitals to maintain a separate area to provide urgent care services to individuals who present with an urgent medical condition. This area must be in a distinct location within the hospital or at a site not more than 15 miles from the hospital campus. These regulations would be promulgated pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.   | James T. Steele, Jr.<br>(717) 783-2500 |
| Hospice Regulations  | August 2009, as proposed.            | These regulations will establish and enforce minimum standards for the licensure of hospice services and residential facilities. The regulations are based on federal CMS regulations for Medicare certified providers. The regulations govern the construction, maintenance and operation of inpatient and residential hospice facilities to ensure safe, adequate and efficient provision of hospice services.  | Karin Simpson<br>717) 783-2500         |
| <b>HOUSING FINANCE AGENCY</b>                              |                                      |   |  |
| No regulations being developed or considered at this date. |                                      |   |  |

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| <b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>   |                                      |  |   |
| 25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.13(c), 963.14(a), 963.15(a), 963(15) (c), 25 Pa. Code § 965.4(9) and 25 Pa. Code § 965.7. | Fall 2009                            | <p>PENNVEST recommends the following revisions:</p> <p>(1) Delete 25 Pa. Code § 963.12(a) (6) in its entirety and the second sentence of 25 Pa. Code § 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(3) Amend 25 Pa. Code § 963.13 (c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(4) Amend 25 Pa. Code § 963.14(a) by revising the section to clarify when the use of an affordability analysis for the award of grants is necessary.</p> <p>(5) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(6) Amend 25 Pa. Code § 963.15 (c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(7) Amend 25 Pa. Code § 965.4 (9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(8) Amend 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review if the applicant is able to prove to the satisfaction of PENNVEST that no alternative methodologies are available to reduce project costs for projects with construction costs plus contingency in excess of \$10 million.</p> | Shawn W. Weis<br>(717)-783-6776                                 |
| <b>INSURANCE</b>   |                                      |  |   |
| Continuing Education for Insurance Agents and Brokers<br>39 Pa. Code, §§ 39.1—39.12  | Fall/Winter 2009, as proposed.       | Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replace with new regulation consistent with the statute. This regulation will be updated to reflect education and training of producers.   | Peter J. Salvatore,<br>Regulatory Coordinator<br>(717) 787-4429 |
| Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility<br>31 Pa. Code Chapter 67, §§ 67.21—67.28                      | Fall 2009, as proposed.              | Amend to make the regulation consistent with statutory requirements.   | Peter J. Salvatore,<br>Regulatory Coordinator<br>(717) 787-4429 |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>       | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>  |
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| Life Insurance Illustrations<br>(New Chapter 87a)   | Fall/Winter 2009, as proposed.             | Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form. | Peter J. Salvatore, Regulatory Coordinator<br>(717) 787-4429 |
| Military Sales Model Regulation,<br>Regulation 31 Pa. Code Chapter 146d                               | Summer/Fall 2009, as final.                | To adopt the NAIC model in response to Congress' direction in Section 9 of the Military Personnel Financial Services Protection Act  | Peter J. Salvatore, Regulatory Coordinator<br>(717) 787-4429 |
| Annual Financial Reporting Requirements<br>31 Pa. Code Chapter 147                                    | Summer/Fall 2009, as final.                | To amend Chapter 147, commonly referred to as the "CPA Audit Rule" in accordance with the revised NAIC model was developed as a result of the NAIC's review of the Sarbanes-Oxley Act of 2002, also known as the Public Company Accounting Reform and Investor Protection Act of 2002, or "SOX."   | Peter J. Salvatore, Regulatory Coordinator<br>(717) 787-4429 |
| Standards to Define Insurers Deemed to be in Hazardous Financial Condition<br>31 Pa. Code Chapter 160 | Fall 2009, as proposed.                    | Amend consistent with updates adopted in 2008 to NAIC Model 385.   | Peter J. Salvatore, Regulatory Coordinator<br>(717) 787-4429 |
| Autism Review Process<br>31 Pa. Code Chapter 168  | Fall/Winter 2009, as proposed.             | Act 62 of 2008 provides for regulations to implement and administer a review process for denials under the autism mandate, which takes effect July 1, 2009.  | Peter J. Salvatore, Regulatory Coordinator<br>(717) 787-4429 |
| <b>LABOR AND INDUSTRY</b>   |  |  |  |
| Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety           | Submit proposed rulemaking in Fall 2009.   | Adopt the triennial edition of the ICC codes with exclusions directed by the UCC Advisory Council and update existing regulations.   | Edward Leister<br>(717) 787-3323                             |
| Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety                       | Submit proposed rulemaking in Summer 2009. | Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.   | Edward Leister<br>(717) 787-3323                             |
| Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services                        | Submit proposed rulemaking in Winter 2010. | Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.  | David DeNotaris<br>(717) 783-3784                            |
| Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services                 | Submit proposed rulemaking in Summer 2009. | Update Unemployment Compensation tax and select benefit regulations.   | Scott Miedrich<br>(717) 787-2097                             |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>            | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                 |
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| Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits             | Submit proposed rulemaking in Summer 2009.      | Update requirements and procedures for filing benefit claims and applications.  | Jeri Morris<br>(717) 787-3667         |
| Unemployment Compensation Title 34, Chapter 101 Board of Review                               | Submit proposed rulemaking in Winter 2010.      | Update appeal and hearing procedures to reflect evolving procedures and statutory changes   | Edward Rawlings<br>(717) 787-1620     |
| Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment              | Submit revised proposed rulemaking Summer 2009. | Update processes governing medical care and costs under the Workers' Compensation Act.  | John T. Kupchinsky<br>(717) 783-5421  |
| Bureau of Workers' Compensation, Title 34, Chapter 125A, Self-Insurance                       | Submit final rulemaking in Fall 2009.           | Clarify standards and security requirements for individual self-insured employees.  | George Knehr<br>(717) 783-4476        |
| Bureau of Workers' Compensation, Title 34, Chapter 131  | Submit final rulemaking in Summer 2009.         | Update procedures for proceedings before workers' compensation judges and incorporating Act 147 of 2006.  | Elizabeth A. Crum<br>(717) 787-5082   |
| Workers' Compensation Appeal Board, Title 34, Chapter 111                                     | Submit final rulemaking in Summer 2009.         | Update procedures for Workers' Compensation Appeal Board.   | Susan McDermott<br>215-560-4583       |
| Bureau of Mediation, Title 34   | Submit proposed rulemaking in Winter 2010.      | Specify procedures and process for Bureau mediators.  | William D. Gross<br>(717) 787-2803    |
| Bureau of Labor Law Compliance, Title 34, Chapter 231, Minimum Wage                           | Submit proposed rulemaking in Winter 2010.      | Update provisions and rescind expired Food-Service Employee Incentive Program.  | James A. Holzman<br>(717) 787-4186    |
| Bureau of Labor Law Compliance, Title 34 Prohibition of Excessive Overtime in Health Care Act | Submit proposed rulemaking in Fall 2009.        | Regulations to implement this law.  | James A. Holzman<br>(717) 787-4186    |
| Bureau of PENNSAFE Title 34, Chapters 301—323, Worker and Community Right to Know             | Submit proposed rulemaking in Fall 2009.        | Amend the PA Hazardous Substance List   | Thomas J. Ward, Jr.<br>(717) 783-1826 |
| <b>MILITARY AND VETERANS AFFAIRS</b>  |   |   |                                       |
| State Veterans' Homes 43 Pa. Code Section 7.1 et. seq.  | October 2008 as proposed.                       | This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7. | Dennis T. Guise<br>(717) 861-8503     |
| <b>MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION</b>                           |   |   |                                       |
| Municipal Police Officers' Education and Training Commission. 37 Pa. Code Chapter 204         | Final regulations, January 2010.                | Act 79 of 2005 requires the Commission to promulgate regulations to implement the Retired Law Enforcement Identification Act.   | Syndi L. Guido<br>(717) 772-0905      |
| <b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>   |   |   |                                       |
| No regulations being developed or considered at this time.                                    |   |   |                                       |



| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                         |
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| <b>PROBATION AND PAROLE</b>  |                                      |   |   |
| Revision to 37 Pa. Code § 63.1 "Granting of Parole"  | To be worked on in CY 2009.          | A new form for inmates to apply for a parole review is being developed. This will require an update to regulation.  | Cynthia Daub, Board Secretary (717) 787-5684  |
| Revision to 37 Pa. Code § 71.4 "Conviction of a New Criminal Offense"                                | To be worked on in CY 2009.          | Response to litigation regarding timeliness of a revocation hearing being held.   | Victoria Madden, Chief Counsel (717) 787-8126 |
| <b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>  |                                      |   |   |
| No regulations being developed or considered at this time.   |                                      |   |   |
| <b>PUBLIC WELFARE</b>  |                                      |   |   |
| Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130                        | December 2010, as proposed.          | This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.            | Ruth O'Brien (717) 783-2800                   |
| Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680 | June 2011, as proposed.              | This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.  | Ruth O'Brien (717) 783-2800                   |
| Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501  | November 2009, as final-form.        | This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups. | Ruth O'Brien (717) 783-2800                   |
| Family Violence Option 55 Pa. Code Chapter 108   | November 2009, as final-form.        | This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.   | Ruth O'Brien (717) 783-2800                   |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>       | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>          |
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| Payment for Burial and Cremation<br>55 Pa. Code<br>Chapters 283 and 285   | September 2009, as final-form. as proposed | The rulemaking increases the maximum payment to funeral directors for burial or cremation services to a standard \$750 for all eligible individuals. This rulemaking also increases maximum level of contributions that may be made by another agency or individual towards burial expenses without reducing the Department payment. This amount is increased from \$180 to \$750. Additionally, this proposed rulemaking eliminates several restrictive requirements for burial, thus allowing families and funeral directors more flexibility and choice in planning and selecting burial goods and services.                                | Ruth O'Brien<br>(717) 783-2800 |
| Revisions to Special Allowances for Supportive Services<br>55 Pa. Code<br>Chapter 165                               | November 2009, as proposed.                | The purpose of this proposed regulation is to ensure adequate and consistent availability and distribution of special allowances. These special allowances are for supportive services to recipients of cash assistance who are engaged or intend to engage in employment and training activities approved by the Department.  | Ruth O'Brien<br>(717) 783-2800 |
| Deficit Reduction Act of 2005 (TANF Reauthorization)<br>55 Pa. Code<br>Chapter 165                                  | December 2009, as proposed.                | The purpose of this proposed regulation is to incorporate revised policies for work participation according to Federal statutes and regulations.   | Ruth O'Brien<br>(717) 783-2800 |
| Adjustment in the Mileage Reimbursement Rate for use of Private Transportation<br>55 Pa. Code<br>Chapter 165        | October 2009, as final-omitted.            | This final regulation allows the Department to adjust the mileage reimbursement rate for individuals who use private transportation to participate in work and work-related activities based on State-wide average gasoline prices. This rulemaking is needed because of the fluctuations in gasoline prices with no expectation that prices will remain at levels that are manageable for low-income families to pay.   | Ruth O'Brien<br>(717) 783-2800 |
| Early and Periodic Screening Diagnosis Treatment (EPSDT)<br>55 Pa. Code<br>Chapters 1101, 1121, 1123, 1147 and 1241 | January 2010, as proposed.                 | This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.   | Ruth O'Brien<br>(717) 783-2800 |
| Medical Assistance Case Management Services<br>55 Pa. Code<br>Chapter 1239  | January 2010, as proposed.                 | This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.  | Ruth O'Brien<br>(717) 783-2800 |
| OMNIBUS Pharmacy<br>55 Pa. Code<br>Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225 and 1243                       | January 2010, as final-omitted.            | This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien<br>(717) 783-2800 |
| Physician Assistant/Midwife<br>55 Pa. Code<br>Chapter 1141  | December 2009, as final-omitted.           | This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.  | Ruth O'Brien<br>(717) 783-2800 |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>          |
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| Discontinuance of the Mandatory Second Opinion Program<br>55 Pa. Code Chapter 1150   | December 2009, as final-omitted.     | This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.   | Ruth O'Brien<br>(717) 783-2800 |
| Capital Component Payment for Replacement Beds<br>55 Pa. Code Chapter 1187   | July 2010, as proposed.              | This regulation codifies the policy as set forth in the Statement of Policy published at 27 Pa.B. 6238 (November 29, 1997). This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee. | Ruth O'Brien<br>(717) 783-2800 |
| New Definition of "Emergency Medical Condition"<br>55 Pa. Code Chapters 1101, 1141, 1150 and 1221  | December 2009, as proposed.          | This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.  | Ruth O'Brien<br>(717) 783-2800 |
| Definition of Medically Necessary<br>55 Pa. Code Chapter 1101  | December 2009, as proposed.          | This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.   | Ruth O'Brien<br>(717) 783-2800 |
| Tobacco Cessation and Nutritional Supplements<br>55 Pa. Code Chapter 1121  | June 2010, as final-omitted.         | This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.   | Ruth O'Brien<br>(717) 783-2800 |
| Dental Services<br>55 Pa. Code Chapter 1149  | June 2010, as final-omitted.         | This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.   | Ruth O'Brien<br>(717) 783-2800 |
| Civil Rights Requirements for Nursing Facilities<br>55 Pa. Code Chapter 1187   | January 2010, as proposed.           | This regulation will require nursing facilities to request and maintain a file of civil rights compliance information on each applicant. Through review of the civil rights information, the Department may better ensure that the MA program is operated in conformity with applicable laws that prohibit discrimination on race, color, national origin and disability.                                    | Ruth O'Brien<br>(717) 783-2800 |
| Assisted Living Residence<br>55 Pa. Code Chapter 2800  | December 2009, as final-form.        | This rulemaking will provide a system of licensure and regulation of assisted living residences to ensure accountability and a balance of availability between institutional and home- and community-based long term care. This will help Pennsylvanians to age in place, maintain their independence and exercise decision making and personal choice.  | Ruth O'Brien<br>(717) 783-2800 |
| Phase-Out of County Costs in Rate Setting and Phase-In of Minimum Occupancy Requirements for Bed Hold Payments<br>55 Pa. Code Chapters 1187 and 1189 | July 2009, as proposed.              | Act 44 of 2008 requires the Department to promulgate regulations that create minimum occupancy requirements for nursing facility bed hold payments and phases out the use of county nursing facility costs in the establishment of peer group prices for nonpublic nursing facility rates.   | Ruth O'Brien<br>(717) 783-2800 |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>          |
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| Participation Review Process<br>55 Pa. Code<br>Chapter 1187   | August 2009, as proposed.            | Act 16 of 2007 requires the Department to promulgate regulations that establish the process and criteria to be used to review and respond to requests for increases in Medical Assistance certified nursing facility beds.  | Ruth O'Brien<br>(717) 783-2800 |
| Medical Assistance Copayment Changes<br>55 Pa. Code<br>Chapter 1101   | December 2009, as final-omitted.     | This regulation will codify new MA copayment exclusions mandated by the Federal Deficit Reduction Act (DRA) of 2005, and reduce the copayment for brand name drugs identified as preferred on the Department's Preferred Drug List (PDL) as authorized under the DRA. This regulation will be reviewed by the Medical Assistance Advisory Committee (MAAC).   | Ruth O'Brien<br>(717) 783-2800 |
| Third Party Liability Programs<br>55 Pa. Code<br>Chapter 259  | January 2010, as proposed.           | Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to ensure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language. | Ruth O'Brien<br>(717) 783-2800 |
| Medical Assistance Estate Recovery Changes<br>55 Pa. Code<br>Chapter 258  | January 2010, as proposed.           | This regulation will incorporate additions and changes to the estate recovery program regulation that was codified in February 2003. The changes reflect modification and additions identified since implementation. These include additional and clarified definitions; inclusion of language regarding the Long-Term Care Partnership; modification of the Department's priority of claim based on a change to 20 Pa.C.S. § 3392 relating to classification and order of payment; and clarifications regarding undue hardship waivers, postponement of collection and computation of claim.   | Ruth O'Brien<br>(717) 783-2800 |
| Family-Based Mental Health Service Providers<br>55 Pa. Code<br>Chapter 5260                                     | March 2010, as proposed.             | This proposed regulation would establish requirements for the delivery of services, and payment of family-based mental health services for children and adolescents.  | Ruth O'Brien<br>(717) 783-2800 |
| Residential Treatment Facilities (RTF) for Mental Health Services<br>55 Pa. Code<br>Chapters 31, 1157 and ,1165 | September 2009, as proposed.         | This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee (MAAC) on 3/28/02 and again to the MAAC as well as other interested stakeholders on 4/20/06. The comments and revised regulations are under review by the Department.   | Ruth O'Brien<br>(717) 783-2800 |
| Outpatient Drug and Alcohol Clinic Services<br>55 Pa. Code<br>Chapter 1223                                      | January 2010, as proposed.           | This proposed regulation is needed to maintain consistency with the Department of Health licensing definitions and align these regulations with current Federal and State licensing requirements, as well as, current treatment trends.   | Ruth O'Brien<br>(717) 783-2800 |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>          |
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| Integrated Treatment for Outpatient Clinics (formerly referred to as "Psychiatric Outpatient Clinics")<br>55 Pa. Code Chapter 5200   | September 2009, as proposed.         | These regulations would be promulgated, simultaneously with identical regulations from the Department of Health, to permit providers of drug and alcohol treatment services and mental health treatment services to obtain licenses from the Departments of Health and Public Welfare authorizing them to deliver integrated treatment on an outpatient basis to persons suffering from co-occurring psychiatric and substance use disorders. The proposed regulations would establish minimum requirements for licensure, including staffing, training, records, and other aspects required for appropriate treatment delivery. There are currently no regulations which provide for licensure of providers of integrated treatment for co-occurring disorders. Instead, facilities that wish to provide integrated treatment currently must meet all the requirements to obtain separate licenses for drug and alcohol and mental health treatment. The proposed regulations would simplify the survey and licensure process for providers. These regulations would be published pursuant to the Department's authority under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922, 1001—1031 and 1051—1059). | Ruth O'Brien<br>(717) 783-2800 |
| Intermediate Care Facilities for the Mentally Retarded<br>55 Pa. Code Chapter 6650   | November 2010, as proposed.          | This regulation applies to private and public residential facilities receiving monies for intermediate care facilities for the mentally retarded (ICFs/MR) or intermediate care facilities for persons with other related conditions (ICFs/ORC). This regulation will include facility capacity, facility expansion, new ICF/MR development, restraints, incident management, conversion of existing ICF/MR to the Medicaid Consolidated Waiver program, medication administration, medication administration training, self-administration of medications and medication log.   | Ruth O'Brien<br>(717) 783-2800 |
| Regulatory Revisions: Adult Training Facilities; Vocational Facilities; Community Homes for Individuals with Mental Retardation; Family Living Homes<br>55 Pa. Code Chapters 2380, 2390, 6400 and 6500 | November 2010, as proposed.          | The regulatory revisions will establish consistent new business practices for providers to ensure they meet the necessary health and safety needs of the individuals they serve. The regulatory revisions will also increase consistency across services and providers per Federal requirements.   | Ruth O'Brien<br>(717) 783-2800 |
| Individual Support Plans<br>55 Pa. Code Chapters 2380, 2390, 6400 and 6500   | April 2010, as final-form.           | This proposed rulemaking will amend the current Individual Program Plan/Individual Written Program Plan regulations to reflect current practices and requirements related to Individual Support Plans.   | Ruth O'Brien<br>(717) 783-2800 |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>              |
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| Child Care Facilities<br>55 Pa. Code<br>Chapters 3270, 3280<br>and 3290               | March 2010, as proposed.             | The proposed amendments to the child care facility regulations relating to professional development requirements for all child care practitioners will strengthen the child care work force and provide practitioners with the knowledge and competencies needed to provide safe and healthy care to children. The changes will increase the minimum standards for annual training hours, require minimum standards for entities that offer professional development, establish a core curriculum for practitioners and ensure the practitioners meet the professional development requirements through submission of documentation at the time of registration renewal. | Ruth O'Brien<br>(717) 783-2800     |
| <b>REVENUE</b>  |                                      |  |                                    |
| Support Offset and Other Personal Income Tax Provisions                               | December, 2009, as proposed.         | This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.  | Douglas Berguson<br>(717) 346-4633 |
| Amendments to Chapter 117. Return and Payment of Tax                                  | November, 2009, as proposed.         | The proposed regulation will amend § 117.9 and add § 117.9b to reflect the Department's policy regarding the form of Pennsylvania Personal Income Tax returns. In addition, the regulation will provide clear instructions for taxpayers regarding reporting requirements.   | Douglas Berguson<br>(717) 346-4633 |
| Pennsylvania Subchapter S Corporations—Election Language<br>61 Pa. Code Chapter 107a  | December, 2009, as proposed.         | The Department is promulgating a new rulemaking as a result of Act 2006-67, which made significant changes to how S corporations are taxed under Pennsylvania Personal Income Tax.   | Douglas Berguson<br>(717) 346-4633 |
| Corporate Net Income Tax<br>61 Pa. Code, §§ 151.14, 153.54, and 153.66—Amended Report | February, 2010, as final.            | The proposed regulation provides a procedure for the filing of amended corporate tax reports for tax reports governed by the assessment process enacted in Act 119 of 2006. Obsolete language will be replaced.  | Douglas Berguson<br>(717) 346-4633 |
| Amendments to 61 Pa. Code Chapters 73 and 74 Malt Beverage Tax                        | May, 2010, as final.                 | The amendments to Chapters 73 and 74 codify legislative changes relating to the Malt Beverage Tax that were set forth in Act 46 of 2003.   | Douglas Berguson<br>(717) 346-4633 |
| Pennsylvania Sales and Use Tax Amendments to 61 Pa. Code § 53.1 Clothing              | December, 2009, as final.            | The proposed regulation will amend § 53.1 to conform with the statute, as well as amend definitions and clarify examples.  | Douglas Berguson<br>(717) 346-4633 |
| <b>SECURITIES COMMISSION</b>  |                                      |  |                                    |
| No regulations being developed or considered at this time.                            |                                      |  |                                    |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                   |
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| <b>STATE</b>   |  |  |   |
| <p>Bureau of Commissions, Elections and Legislation</p> <p>—Electronic Notarization Standards—<br/>4 Pa. Code, Subpart F (number not yet assigned)</p>   | Fall 2009, as Proposed.  | The proposed regulation would establish standards for notaries to use electronic notarization. Statutory Authority: Section 22.3 of the Notary Public Law of 1953, 57 P. S. § 168.3.   | Martha Brown<br>(717) 783-2804          |
| <p>Bureau of Professional and Occupational Affairs</p> <p>—Schedule of Civil Penalties for violations of the Clean Indoor Air Act, 49 Pa. Code Chapter 43b (16-46)</p>   | Fall 2009, as Proposed.  | This regulation would create a schedule of civil penalties for violations of the Act of June 13, 2008 (P. L. 182, No. 27), known as the Clean Indoor Air Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties. Section 5(b)(1)(ii) of the Clean Indoor Air Act, 35 P. S. § 637.5(b)(1)(ii), authorizes the Bureau to enforce the act.   | Cynthia K. Montgomery<br>(717) 783-7200 |
| <p>State Board of Accountancy</p> <p>—Continuing Education—<br/>49 Pa. Code §§ 11.61-11.69a (16A-5511)</p> <p>—Biennial Renewal Fees—<br/>49 Pa. Code § 11.4 (16A-5512)</p> <p>—General Revisions—<br/>49 Pa. Code Chapter 11 (number not yet assigned)</p> <p>—Civil Penalty Schedule—<br/>Accountants—<br/>49 Pa. Code § 43b.10a (16-48)</p> | <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Final.</p> <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p> | <p>The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This proposed rulemaking would increase the biennial renewal fees for certified public accountants, public accountants, public accounting firms and continuing education program sponsors. Statutory Authority: Section 6 of the C.P.A. Law, 63 P. S. § 9.6.</p> <p>This proposed rulemaking would implement the amendments to the CPA Law made by the Act of July 9, 2008 (P. L. 954, No. 73). Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This proposed regulation would adopt a schedule of civil penalties for violation of the continuing education regulations of the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p> | Sara Fox<br>(717) 783-1404              |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                       |
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| <p>State Architects Licensure Board</p> <p>—General Revisions—<br/>49 Pa. Code Chapter 9<br/>(number not yet assigned)</p> <p>—Experience Requirement—<br/>49 Pa. Code § 9.46<br/>(number not yet assigned)</p>   | <p>Spring 2010, as Proposed.</p> <p>Fall 2009, as Proposed.</p>                              | <p>This regulation would provide a general update of the regulations of the State Architects Licensure Board. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law, 63 P. S. § 34.6(a) and (d).</p> <p>This regulation would clarify the amount of experience a candidate must have as a prerequisite to being admitted to the license examination. Statutory Authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a).</p>   | <p>Penny Walker<br/>(717) 783-3397</p>      |
| <p>State Board of Barber Examiners</p> <p>—Student Records and Curriculum—<br/>49 Pa. Code Chapter 3<br/>(16A-427)</p>  | <p>Fall 2009, as Final.</p>  | <p>This regulation would amend the current regulations to allow for part-time attendance at barber schools; to allow for transfer of hours between a barber shop and a barber school or between barber shops regardless of whether the shop or school is in-state or out-of-state; to require shop owners and schools to submit a quarterly report of student hours to the Board; to require a shop owner, or a shop owner's designee, to notify the Board of each student to be trained in the shop. Statutory Authority: Section 15-A.4(b) of the Barbers' License Law, 63 P. S. § 566.4(b).</p>  | <p>Hillarene Staller<br/>(717) 783-3402</p> |
| <p>State Board of Chiropractic</p> <p>—Chiropractic specialties—<br/>49 Pa. Code Chapter 5<br/>(16A-4312)</p> <p>Review of Chiropractic Treatment—<br/>49 Pa. Code Chapter 5<br/>(16A-4315)</p> <p>—Assistance of Unlicensed Supportive Personnel—<br/>49 Pa. Code Chapter 5<br/>(16A-4316)</p> | <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p> | <p>The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. This regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This proposed rulemaking would establish standards for chiropractors that engage in chiropractic peer review. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This proposed rulemaking would establish standards for the delegation of tasks to unlicensed supportive personnel. Statutory Authority: Sections 302(3) and 601 of the Chiropractic Practice Act, 63 P. S. §§ 624.302(3) and 625.601.</p> | <p>Deborah Smith<br/>(717) 783-7155</p>     |



| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>               |
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| State Board of Chiropractic (cont'd)  |   |  |                                     |
| —Needle Acupuncture—<br>49 Pa. Code § 5.81 (16A-4317)                                       | Fall 2009, as Final.                      | This rulemaking would permit chiropractors who are registered acupuncturists or practitioners of oriental medicine to practice or advertise needle acupuncture. Statutory Authority: Sections 302(3), 506(a)(4) and 506(a)(11) of the Chiropractic Practice Act.   | Deborah Smith<br>(717) 783-7155     |
| —Continuing Education Violations—<br>49 Pa. Code § 5.77 (16A-4318)                          | Fall 2009, as Proposed.                   | This regulation would adopt a requirement that continuing education deficiencies be made up within 6 months and provides for disciplinary action under the Act 48 citation process. Statutory Authority: Sections 302(3), 506(a)(9) and 507(a) of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3), 625.506(a)(9) and 625.507(a).                         |                                     |
| —Schedule of Civil Penalties—<br>Chiropractors<br>49 Pa. Code Chapter 43b (16-44)           | Fall 2009, as Proposed.                   | This proposed regulation would adopt a schedule of civil penalties for violation of the continuing education regulations of the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties with the approval of the Board. |                                     |
| —Volunteer license—<br>49 Pa. Code § 5.20 (number not yet assigned)                         | Spring 2010, as Final (Proposed-omitted). | This regulation would conform the volunteer license regulations to the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.  |                                     |
| Corporation Bureau  |   |  |                                     |
| —UCC Revised Article 9—<br>(16-35)  | Spring 2010, as Proposed.                 | This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.  | Martha Brown<br>(717) 787-6802      |
| State Board of Cosmetology  |   |  |                                     |
| —Sanitation—<br>49 Pa. Code Chapter 7 (16A-4515)  | Fall 2009, as Proposed.                   | This regulation would update the Board's regulations on sanitation to conform to modern standards within the profession. Statutory Authority: Sections 11 and 14 of the Act of May 3, 1933 (P. L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P. S. §§ 517 and 520.   | Hillarene Staller<br>(717) 783-7130 |
| —Schedule of Civil Penalties—<br>49 Pa. Code Chapter 43b, § 43b.5 (number not yet assigned) | Fall 2009, as Proposed.                   | This regulation would amend the schedule of civil penalties for the State Board of Cosmetology to implement Act 48 civil penalties for failure of a school to submit quarterly reports. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).   |                                     |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                |
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| <p>State Board of Crane Operators</p> <p>—Implementation of the Crane Operator Licensure Act—<br/>49 Pa. Code Chapter 36 (number not yet assigned)</p>   | Spring 2010, as Proposed.  | This proposed regulation would implement the Crane Operator Licensure Act, Act 100 of 2008. Statutory Authority: Section 2102 of the act of October 9, 2008, (P. L. 1363, No. 100), 63 P. S. § 2400.2102.  | Penny Walker<br>(717) 783-3397       |
| <p>State Board of Dentistry</p> <p>—EFDA Program Approval—<br/>49 Pa. Code Chapter 33 (16A-4616)</p> <p>—Dental Hygienists Scope of Practice/Local Anesthesia—<br/>49 Pa. Code Chapter 33 (16A-4617)</p> <p>—Licensure by examination—<br/>49 Pa. Code § 33.103 (16A-4620)</p> <p>—Volunteer License—<br/>49 Pa. Code § 33.110 (Number not yet assigned)</p> | <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Final.</p> <p>Fall 2009, as Proposed.</p> <p>Spring 2010, as Final (proposed-omitted).</p> | <p>This regulation would establish criteria for Board approval of education programs for expanded function dental assistants. Statutory Authority: Section 3(a) of the Dental Law, 63 P. S. § 122(a).</p> <p>This regulation updates and amends the scope of practice of dental hygienists to conform to modern dental practices; establishes the requirements under which a dental hygienist may be permitted to administer local anesthesia under the direct supervision of a dentist; and implements the provisions of Act 51 of 2007 relating to public health dental hygiene practitioners. Statutory Authority: Section 3(d) of the Dental Law, 63 P. S. § 122(d).</p> <p>This regulation would expand the range of regional clinical examinations that may be accepted by the Board for the purposes of licensure by examination and licensure by criteria approval. Statutory authority: Section 3(c), (d) and (o) of the Dental Law, 63 P. S. § 122(c), (d) and (o).</p> <p>This regulation would amend the current volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> | <p>Lisa Burns<br/>(717) 783-7162</p> |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                   |
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| <p>State Registration Board for Professional Engineers, Land Surveyors and Geologists</p> <p>—General Revisions—<br/>49 Pa. Code Chapter 37 (16A-479)</p> <p>—Continuing Education—<br/>49 Pa. Code Chapter 37 (16A-4710)</p> <p>—Schedule of Civil Penalties—<br/>Engineers, Geologists and Land Surveyors<br/>49 Pa. Code Chapter 43b (16-43)</p> | <p>Fall 2009, as Proposed.</p> <p>Spring 2010, as Final.</p> <p>Spring 2010, as Final.</p> | <p>The regulation would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151.</p> <p>The proposed rulemaking would set forth continuing education requirements for professional engineers, geologists and land surveyors. Statutory Authority: Sections 4(1) and 4.5(a) of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. §§ 151.4(1) and 151.4.5(a).</p> <p>This proposed regulation would adopt a schedule of civil penalties for violations of the continuing education regulations being promulgated by the State Board of Engineers, Land Surveyors and Geologists (16A-4710). Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p> | <p>Terrie Kocher<br/>(717) 783-7049</p> |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>           |
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| State Board of Funeral Directors   |                                      |  |                                 |
| —Preneed Funeral Arrangements—<br>49 Pa. Code Chapter 13 (16A-4815)  | Fall 2009, as Final.                 | This regulation would clarify and add additional requirements for funeral directors who enter into preneed funeral arrangement agreements. Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).   | Heidy Weirich<br>(717) 783-3397 |
| —Preneed Activities of Unlicensed Employee—<br>49 Pa. Code Chapter 13 (16A-4816)                             | Fall 2009, as Final.                 | The regulation would clarify what conduct by an unlicensed individual is permitted, as strongly urged by the court in <i>Walker v. Flitton</i> , 364 F.Supp.2d 503 (U.S.D.C. M.D. Pa. 2005). Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).   |                                 |
| —Continuing education enforcement—<br>49 Pa. Code Chapter 13, §§ 13.231 and 13.401 (16A-4818)                | Spring 2010, as Final.               | This proposed rulemaking would provide for the enforcement of continuing education violations through the Act 48 citation process. Statutory authority: Sections 10(b) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.10(b) and 479.16(a).   |                                 |
| —Schedule of Civil Penalties—<br>continuing education violations—<br>49 Pa. Code Chapter 43, § 43b.6 (16-47) | Spring 2010, as Final.               | This proposed rulemaking would establish the civil penalty schedule for violations of the Funeral Board's continuing education violations. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a); and sections 11(a)(6) and 17(b) of the Funeral Director Law, 63 P. S. §§ 479.11(a)(6) and 479.17(b).                                  |                                 |
| State Board of Landscape Architects  |                                      |  |                                 |
| —Biennial Renewal Fees—<br>49 Pa. Code § 15.12 (number not yet assigned)                                     | Fall 2009, as Proposed.              | This proposed regulation would increase the biennial registration fee for landscape architects from \$125 to \$194. Statutory Authority: Section 5 of the Landscape Architects' Registration Law, 63 P. S. § 905.  | Terrie Kocher<br>(717) 783-7049 |
| —Schedule of Civil Penalties—<br>Landscape Architects<br>49 Pa. Code Chapter 43b (number not yet assigned)   | Spring 2010, as Proposed.            | This proposed regulation would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board. |                                 |
| State Board of Massage Therapy   |                                      |  |                                 |
| —Implementation of the Massage Therapy Law—<br>49 Pa. Code Chapter 20 (number not yet assigned)              | Spring 2009, as Proposed.10          | This regulation is required to implement the Massage Therapy Law, act of October 9, 2008 (P.L. 1438, No.118). Statutory Authority: Section 50 of the Massage Therapy Law, 63 P. S. § 627.50, requires the Board to promulgate regulations within 18 months.  | Teresa Lazo<br>(717) 783-7200   |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>         |
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| State Board of Medicine   |                                      |   |                               |
| —Acupuncture—<br>49 Pa. Code § 18.15<br>(16A-4924)                                      | Fall 2009, as Final.                 | This proposed rulemaking would amend the Board's existing acupuncture regulations so they comport with Act 186 of 2006, which amended the Acupuncture Registration Act (63 P. S. §§ 1801—1806) by authorizing acupuncturists to treat patients for up to 60 calendar days without first obtaining a referral from a physician. Statutory Authority: Sections 3 and 3.1 of the Acupuncture Registration Act, 63 P. S. §§ 1803 and 1803.1.  | Tammy Radel<br>(717) 783-1400 |
| —General Revisions—<br>49 Pa. Code Chapters 16, 17 and 18<br>(16A-4925)                 | Spring 2010, as Proposed.            | This proposed rulemaking would implement Acts 29, 46 and 48 of 2007, and would generally update the regulations of the Board relating to physicians, physician assistants, certified registered nurse practitioners, respiratory care practitioners, and volunteer licensees. Statutory Authority: Acts 29, 46 and 49 of 2007 direct the Board to adopt, promulgate and enforce regulations to effectuate the amendments adopted in the respective Acts. In addition, Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, authorizes the Board to promulgate regulations that are reasonably necessary to carry out the purposes of the Act. |                               |
| —Nurse Midwife Prescriptive Authority—<br>49 Pa. Code Chapter 18<br>(16A-4926)          | Spring 2009, as Final.               | This rulemaking implements Act 50 of 2007 relating to prescriptive authority for nurse midwives. Statutory Authority: Sections 8 and 35(a) of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.35(a).  |                               |
| —Clarification of Medicine and Surgery—<br>49 Pa. Code Chapters 16 and 17<br>(16A-4927) | Spring 2010, as Proposed.            | This rulemaking would amend basic definitions and establish minimum standards of practice relating to examinations preceding treatment and relating to certain medical procedures. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.  |                               |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>         |
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| State Board of Medicine (cont'd)   |   |   |                               |
| —Perfusionists—<br>49 Pa. Code<br>Chapter 18,<br>Subchapter J.<br>(number not yet assigned)                              | Fall 2009, as Proposed.                   | The proposed rulemaking would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P. L. 154 No. 19) requires the Board to promulgate regulations to implement licensure of perfusionists within 18 months of the effective date. The act was effective on August 10, 2008.   | Tammy Radel<br>(717) 783-1400 |
| —Licensure of Respiratory Therapists and Physician Assistants—<br>49 Pa. Code<br>Chapter 18<br>(number not yet assigned) | Fall 2009, as Proposed                    | The proposed rulemaking would implement the amendments made to the Medical Practice Act by the Act of July 4, 2008 (P. L. 580, No. 45) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 580, No. 45) requires the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations to implement the amendments within 18 months. |                               |
| —Licensure or Certification of Behavior Specialists—<br>49 Pa. Code<br>Chapter 18<br>(number not yet assigned)           | Fall 2009, as Proposed.                   | The proposed rulemaking implements the licensure or certification of behavior specialists as required by the Act of July 9, 2008 (P. L. ____ , No. 62). Statutory Authority: Section 3(g) of the Act of July 9, 2008 (P. L. ____ , No. 62) requires the Board, in consultation with the Department of Public Welfare, to promulgate regulations providing for the licensure or certification of behavior specialists.                         |                               |
| —Volunteer License—<br>49 Pa. Code § 16.18<br>(number not yet assigned)  | Spring 2010, as Final (Proposed-omitted). | This regulation would amend the current volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.   |                               |
| —Schedule of Civil Penalties—<br>49 Pa. Code<br>Chapter 43b,<br>§ 43b.20.<br>(number not yet assigned)                   | Fall 2009, as Proposed.                   | This regulation would amend the schedule of civil penalties for the State Board of Medicine to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).  |                               |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>           |
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| State Board of Nursing  |                                      |   |                                 |
| —LPN/IV Therapy—<br>49 Pa. Code § 21.145<br>(16A-5122)                                    | Fall 2009, as Proposed.              | This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.  | Ann Steffanic<br>(717) 783-7142 |
| —CRNP General Revisions—<br>49 Pa. Code Chapter 21, Subchapter C<br>(16A-5124)            | Fall 2009, as Final.                 | This regulation implements Act 206 of 2002, which gave exclusive jurisdiction over CRNPs to the State Board of Nursing and to revise the existing regulations to allow the effective use of CRNPs to the full extent of their education and training. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 7(c) of Act 306 of 2002, P. L. 1567, No. 206, December 9, 2002.   |                                 |
| —Clinical Nurse Specialists—<br>49 Pa. Code, Subchapter H, §§ 21.801—21.831<br>(16A-5133) | Fall 2009, as Final.                 | This proposed regulation would implement Act 49 of 2007, which amended the professional Nursing Law to provide for the certification of clinical nurse specialists. Statutory Authority: Section 5 of Act 49 requires the Board to promulgate regulations within 18 months. Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) authorizes the Board to establish rules and regulations for the practice of professional nursing and the administration of the Act. |                                 |
| —LPN Application for Examination—<br>49 Pa. Code § 21.151<br>(16A-5134)                   | Fall 2009, as Proposed.              | The proposed rulemaking would provide for admission to the practical nurse exam for applicants who have graduated from a foreign practical nursing program that is equivalent to an LPN education program of study required in this Commonwealth at the time the program was completed as determined by the Commission on Graduate of Foreign Nursing Schools (CGFNS). Statutory Authority: Sections 5 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 655 and 667.6.              |                                 |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>           |
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| State Board of Nursing (cont'd)  |   |  |                                 |
| —Reactivation/Re-licensure after Lapse—<br>49 Pa. Code Chapter 21 (16A-5135)                                     | Spring 2010, as Proposed.                 | This regulation would set standards for the reactivation/re-licensure of nurses whose licenses have lapsed for a significant period of time. Statutory Authority: Sections 2.1 and 11 of the Professional Nursing Law, 63 P. S. §§ 212.1 and 221; and sections 13.1 and 17.6 of the Practical Nursing Law, 63 P. S. §§ 663.1 and 667.6, authorize the Board to regulate the renewal of expired or inactive licenses and to promulgate regulations generally.   | Ann Steffanic<br>(717) 783-7142 |
| —Biennial Renewal Fees—<br>49 Pa. Code Chapter 21 (16A-5136)   | Fall 2009, as Proposed.                   | This regulation is needed to increase the biennial renewal fees for nurses. Statutory authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2, and Section 17.5 of the Practical Nursing Law, 63 P. S. § 667.5, set forth the authority to set fees by regulation.   |                                 |
| —Out of State Nursing Education Programs using Pennsylvania Clinical Sites—<br>49 Pa. Code Chapter 21 (16A-5137) | Spring 2010, as Proposed.                 | This regulation will require out of state educational programs that intend to place nursing students in Pennsylvania facilities for clinical education with a Pennsylvania licensed nurse preceptor to apply to the Board for permission to utilize the clinical site. This same requirement is placed on Pennsylvania nursing education programs. Statutory Authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1 and Section 9 of the Practical Nurse Law, 63 P. S. § 659.  |                                 |
| —Fees for Nursing Education Programs—<br>49 Pa. Code Chapter 21 (number not yet assigned)                        | Spring 2010, as Proposed.                 | This regulation is necessary to set fees for the approval of nursing education programs. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2, and Section 17.5 of the Practical Nursing Law, 63 P. S. § 667.5, set forth the authority to the setting of fees by regulation. Section 6.2 of the Professional Nursing Law, 63 P. S. § 216.2, provides the Board's authority to approve nursing education programs. Sections 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and 17.6 of the Practical Nursing Law, 63 P. S. § 667.6, provide the general rulemaking authority of the Board. |                                 |
| —Volunteer License—<br>49 Pa. Code Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)         | Spring 2010, as Final (Proposed-omitted). | This regulation would amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).  |                                 |



| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                   |
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| <p>State Board of Examiners of Nursing Home Administrators</p> <p>—Temporary Permits—<br/>49 Pa. Code § 39.1, 39.4 and 39.17 (16A-629)</p> <p>—Sexual Misconduct—<br/>49 Pa. Code §§ 39.1 and 39.9 (16A-6211)</p> <p>—Continuing Education—<br/>49 Pa. Code § 39.61 (16A-6212)</p> <p>—Continued Competence—<br/>49 Pa. Code Chapter 39 (16A-6213)</p> <p>Schedule of Civil Penalties—<br/>49 Pa. Code Chapter 43b, § 43b.17 (number not yet assigned)</p> | <p>Fall 2009, as Final.</p> <p>Spring 2010, as Proposed.</p> <p>Spring 2010, as Final.</p> <p>Fall 2009, as Proposed.</p> <p>Spring 2010, as Proposed.</p> | <p>The proposed rulemaking would clarify, update and expand on the temporary permit requirements under section 14 of the Nursing Home Administrators License Act, 63 P. S. § 1114. Statutory Authority: Section 4(c) and 14 of the Nursing Home Administrators License Act, 63 P. S. §§ 1104 (c) and 1114.</p> <p>This regulation would add sexual abuse, sexual misconduct and sexual harassment as offenses for which a nursing home administrator's license may be disciplined. Statutory Authority: Sections 4(c) and 6(g) of the Nursing Home Administrators Licensure Act, 63 P. S. §§ 1104(c) and 1106(g).</p> <p>This rulemaking would amend the Board's existing regulations relating to continuing education clock hours. Statutory Authority: Section 9(b) of the Nursing Home Administrators Licensure Act, 63 P. S. § 1109(b).</p> <p>This regulation would provide the requirements for demonstrating continued competence when reactivating a license that has been inactive for more than 5 years. Statutory Authority: Section 4(a)(4), (9) and (c) of the Nursing Home Administrators Licensure Act, 63 P. S. § 1104(a)(4),(9) and (c).</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> | <p>Chris Stuckey<br/>(717) 783-7155</p> |
| <p>State Board of Occupational Therapy Education and Licensure</p> <p>—Continued Competency—<br/>49 Pa. Code §§ 42.50—42.58 (16A-677)</p>  | <p>Fall 2009, as Proposed.</p>   | <p>The proposed rulemaking will implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p>   | <p>Chris Stuckey<br/>(717) 783-1389</p> |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                   |
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| <p>State Board of Optometry</p> <p>—Continuing Education—<br/>49 Pa. Code §§ 23.81 and 23.82 (16A-5212)</p> <p>Schedule of Civil Penalties—<br/>Optometrists<br/>49 Pa. Code Chapter 43b (number not yet assigned)</p> <p>—Volunteer License—<br/>49 Pa. Code § 23.26 (number not yet assigned)</p> | <p>Fall 2009, as Final (Proposed-omitted).</p> <p>Spring 2010, as Proposed.</p> <p>Spring 2010, as Final (Proposed-omitted).</p> | <p>This regulation would amend the continuing education requirements to clarify the need for a licensee to complete the licensee's continuing education as a prerequisite to renew a lapsed or inactive license within the two years immediately preceding renewal or reactivation. Statutory Authority: Sections 3(b)(14) and 5 of the Optometric Practice and Licensure Act (63 P. S. §§ 244.3(b)(14) and 244.5).</p> <p>This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.</p> <p>This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).</p> | <p>Deborah Smith<br/>(717) 783-7155</p> |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>          |
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| State Board of Osteopathic Medicine  |   |  |                                |
| —Miscellaneous Provisions—<br>49 Pa. Code Chapter 25 (16A-5319)  | Fall 2009, as Proposed.                   | This regulation would implement Acts 29 and 46 of 2007 pertaining to supervision of physician assistants and continuing medical education for volunteer license holders. Statutory Authority: Section 10(h) of the Osteopathic Medical Practice Act (Act), 63 P. S. § 271.10(h), authorizes the Board to establish rules and regulations relating to physician assistants; and section 16 of the Act, 63 P. S. § 271.16, authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the Act. | Gina Bittner<br>(717) 783-4858 |
| —Perfusionists—<br>49 Pa. Code Chapter 25 (number not yet assigned)  | Fall 2009, as Proposed.                   | The proposed rulemaking would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P.L. 161, No. 20) requires the Board to promulgate regulations to implement licensure of perfusionists within 18 months of the effective date. The act was effective on August 10, 2008.  |                                |
| —Licensure of Respiratory Therapists and Physician Assistants—<br>49 Pa. Code Chapter 25 (number not yet assigned) | Fall 2009, as Proposed.                   | The proposed rulemaking implements the amendments made to the Osteopathic Medical Practice Act by the Act of July 4, 2008 (P. L. 589, No. 46) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 589, No. 46) requires the Board and the State Board of Medicine to jointly promulgate regulations to implement the amendments within 18 months.   |                                |
| —Volunteer License—<br>49 Pa. Code Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)           | Spring 2010, as Final (Proposed-omitted). | This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.  |                                |
| —Schedule of Civil Penalties—<br>49 Pa. Code Chapter 43b (number not yet assigned)                                 | Fall 2009, as Proposed.                   | This regulation would establish a schedule of civil penalties for the State Board of Osteopathic Medicine to implement Act 48 civil penalties for failure to report complaints filed against an osteopathic physician in a medical professional liability action. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).   |                                |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>               |
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| State Board of Pharmacy  |                                      |  |                                     |
| —General Revisions—<br>49 Pa. Code Chapter 27 (16A-5416)                             | Fall 2009, as Final.                 | The regulation would update the regulations of the Board to delete outdated portions and amend sections to recognize current pharmacy practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).   | Melanie Zimmerman<br>(717) 783-7156 |
| —Continuing Education—<br>49 Pa. Code § 27.32 (16A-5417)                             | Fall 2009, as Final.                 | This regulation would clarify the Board's continuing education requirements. Statutory Authority: Section 3.1 of the Pharmacy Act, 63 P. S. § 390-3.1.   |                                     |
| —Sale of Hypodermic Needles and Syringes—<br>49 Pa. Code Chapter 27 (16A-5418)       | Fall 2009, as Final.                 | This regulation would amend existing regulations to eliminate the requirement for a prescription prior to dispensing needles and syringes by a pharmacist. Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9).   |                                     |
| —Compounding Practices—<br>49 Pa. Code Chapter 27 (16A-5419)                         | Spring 2010, as Proposed.            | This rulemaking would establish standards for the compounding of drugs by pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9) grants the authority to promulgate rules and regulations to effectuate the purposes of the act. Section 2 of the Pharmacy Act, 63 P. S. § 390-2(11) defines the practice of pharmacy to include the compounding of drugs.  |                                     |
| —Pharmacist Breaks—<br>49 Pa. Code Chapter 27 (16A-5420)                             | Fall 2009, as Final.                 | This regulation would permit a sole pharmacist on duty to take up to a thirty-minute break while the pharmacy remains open. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).   |                                     |
| —Fees—<br>49 Pa. Code § 27.91 (16A-5422)   | Fall 2009, as Final.                 | This proposed rulemaking would amend the schedule of fees of the State Board of Pharmacy to increase fees. Statutory authority: Section 8.2(a) of the Pharmacy Act, 63 P. S. § 390-8.2(a).   |                                     |
| —Cancer Drug Repository Program—<br>49 Pa. Code Chapter 27 (number not yet assigned) | Fall 2009, as Proposed.              | The proposed rulemaking would establish the eligibility criteria, standards and procedures for the administration of a cancer drug repository program. Statutory authority: Section 7 of the Act of May 13, 2008 (P. L. 139, No. 14), known as the Cancer Drug Repository Program Act, requires the Board to promulgate regulations to carry out the purposes of the act within 90 days of the effective date. The effective date was July 12, 2008. |                                     |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                       |
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| <p>State Board of Pharmacy (con't)</p> <p>—Pharmacy Internship—<br/>49 Pa. Code Chapter 27<br/>(number not yet assigned)</p> <p>—Schedule of Civil Penalties—<br/>49 Pa. Code Chapter 43b, § 43b.7<br/>(number not yet assigned)</p>  | <p>Spring 2010, as Proposed.</p> <p>Spring 2010, as Proposed.</p>                              | <p>This rulemaking would update the Board's regulations relating to the pharmacy internship required under section 3 of the Pharmacy Act. Statutory Authority: Section 3 of the Pharmacy Act, 63 P. S. § 390-3(c) requires the Board to establish by regulation the internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Pharmacy to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>   | <p>Melanie Zimmerman<br/>(717) 783-7156</p> |
| <p>State Board of Physical Therapy</p> <p>—Act 38 Revisions—<br/>49 Pa. Code Chapter 40<br/>(number not yet assigned)</p> <p>—Continuing Education Providers—<br/>49 Pa. Code § 40.63<br/>(16A-6513)</p> <p>—Schedule of Civil Penalties—<br/>49 Pa. Code Chapter 43b<br/>(number not yet assigned)</p> | <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p> <p>Spring 2010, as Proposed.</p> | <p>The proposed rulemaking would implement the amendments to the Physical Therapy Practice Act made by the Act of July 4, 2008 (P. L. 293, No. 38). Statutory authority: Section 16 of the Act of July 4, 2008 (P. L. 293, No. 38) requires the Board to promulgate regulations to implement the amendments and additions of that act within 18 months of the effective date. The act is effective on October 2, 2008.</p> <p>This proposed rulemaking would clarify and update the continuing education requirements relating to approved providers of continuing education. Statutory authority: Sections 3(a) and 9(c)(2) of the Physical Therapy Practice Act, 63 P. S. §§ 1303(a) and 1303(c)(2).</p> <p>This regulation would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> | <p>Michelle Roberts<br/>(717) 783-7134</p>  |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>          |
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| State Board of Podiatry   |   |   |                                |
| —Certificate of Authority to Perform Acupuncture—<br>49 Pa. Code Chapter 29 (16A-449)             | Spring 2010, as Proposed.                 | This regulation would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.                               | Gina Bittner<br>(717) 783-4858 |
| —Continuing Education—<br>49 Pa. Code §§ 29.61 and 29.63 (16A-4410)                               | Fall 2009, as Proposed.                   | This regulation would increase the biennial continuing education requirement from 30 hours to 50 hours and expand the categories of approved continuing education providers. Statutory Authority: Section 9.1 of the Podiatry Practice Act, 63 P. S. 42.9a. |                                |
| —Schedule of Civil Penalties—<br>Podiatrists<br>49 Pa. Code Chapter 43b (Number not yet assigned) | Spring 2010, as Proposed.                 | This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.     |                                |
| —Volunteer License—<br>49 Pa. Code § 29.55 (number not yet assigned)                              | Spring 2010, as Final (Proposed-omitted). | This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.                 |                                |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>  | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                   |
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| <p>State Board of Psychology</p> <p>—Qualifications—<br/>49 Pa. Code Chapter 41 (16A-6315)</p> <p>—Continuing Education—<br/>49 Pa. Code § 41.59 (16A-6317)</p> <p>—Code of Conduct—<br/>49 Pa. Code § 41.61 (16A-6318)</p> <p>—Graduate training in Psychology—<br/>49 Pa. Code, §§ 41.1 and 41.58 (16A-6319)</p> <p>—Schedule of Civil Penalties—<br/>49 Pa. Code Chapter 43b (number not yet assigned)</p> | <p>Spring 2010, as Final.</p> <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Final (Proposed-omitted).</p> <p>Spring 2010, as Proposed.</p> | <p>This regulation would amend education, experience and examination requirements as well as creates new and amends existing supervisor requirements. Statutory Authority: Sections 3.2(1) and (2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and (2).</p> <p>This regulation would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215.</p> <p>This regulation would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).</p> <p>This regulation would reinsert three educational subcategories still needed in the definition of "degree in psychology" which were inadvertently deleted by a prior rulemaking. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).</p> <p>This regulation would establish a schedule of civil penalties for the State Board of Psychology to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> | <p>Chris Stuckey<br/>(717) 783-7155</p> |
| <p>State Board of Certified Real Estate Appraisers</p> <p>Certification of Appraisers and Licensure of Appraiser Trainees—<br/>49 Pa. Code Chapter 36 (16A-7015)</p> <p>Schedule of Civil Penalties—Real Estate Appraisers—<br/>49 Pa. Code § 43b.15a (16-49)</p>   | <p>Fall 2009, as Proposed</p> <p>Fall 2009, as Proposed.</p>  | <p>The proposed rulemaking would implement the amendments to the Real Estate Appraisers Certification Act made by the Act of July 8, 2008 (P. L. 833, No. 59), and makes other amendments required to comply with a recent audit of the Appraisal Subcommittee, which identified areas of the Board's regulations that did not conform with AQB criteria. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).</p> <p>The proposed rulemaking will codify and amend the Board's current schedule of civil penalties statement of policy. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties, with the approval of the Board.</p>   | <p>Heidy Weirich<br/>(717) 783-3397</p> |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>             |
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| State Real Estate Commission   |                                      |   |                                   |
| —Education—<br>49 Pa. Code § 35.384, 35.385.<br>(16A-5613)                                     | Fall 2009, as Proposed.              | This proposed regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.404a.  | Patricia Ridley<br>(717) 783-3658 |
| —Fees—<br>49 Pa. Code § 35.203<br>(16A-5615)   | Spring 2010, as Proposed.            | The proposed regulation would amend current fees by consolidating the initial licensure fee charged to new applicants from a two-tiered structure to a single fee in order to allow the Commission to establish an online application in that the current system cannot accommodate a two-tiered fee structure. Statutory Authority: Sections 404 and 407 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.407. |                                   |
| —Seller's Property Disclosure Statement—<br>49 Pa. Code § 33.335a<br>(16A-5618)                | Fall 2009, as Proposed.              | This regulation would adopt a form "seller's property disclosure statement" as required by Act 114 of 2000. Statutory Authority: Section 7304(a) of the Residential Real Estate Transfers Law, 63 P. S. § 7304(a).  |                                   |
| —Property Management—<br>49 Pa. Code Chapter 35<br>(16A-5619)                                  | Fall 2009, as Proposed.              | The proposed regulation would establish standards for licensees who engage in property management. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.  |                                   |
| —Schedule of Civil Penalties—<br>49 Pa. Code Chapter 43b, § 43b.8<br>(number not yet assigned) | Spring 2010, as Proposed.            | This regulation would amend the schedule of civil penalties for the State Real Estate Commission to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).  |                                   |



| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>  | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                   |
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| <p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p> <p>—Standards of Professional Conduct—<br/>49 Pa. Code Chapters 47, 48 and 49 (16A-6911)</p> <p>—Implementation of Act 68 of 2008; Hours of Supervised Clinical Experience and Licensure by Endorsement—<br/>49 Pa. Code Chapters 47, 48 and 19 (16A-6916)</p> <p>—Schedule of Civil Penalties—<br/>49 Pa. Code Chapter 43b (number not yet assigned)</p> | <p>Spring 2010, as Final.</p> <p>Fall 2009, as Proposed.</p> <p>Spring 2010, as Proposed.</p> | <p>The regulation would establish a code of ethics and standards of professional conduct for social workers, clinical social workers, marriage and family therapists, and professional counselors licensed by the board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p> <p>This final-omitted rulemaking would implement the reduction in the number of required hours of supervised clinical experience from 3,600 to 3,000 and provide for licensure by endorsement as required by the Act of July 9, 2008 (P. L. 929, No. 68). Statutory Authority: Section 4 of the Act of July 9, 2008 (P. L. 929, No. 68) provides that the Board shall promulgate regulations to implement the amendments within three years of the effective date of the act. Act 68 is effective on September 7, 2008</p> <p>This regulation would establish a schedule of civil penalties for the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to implement Act 48 civil penalties for practicing without a license or practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> | <p>Sandra Matter<br/>(717) 783-1389</p> |
| <p>State Board of Examiners in Speech-Language and Hearing</p> <p>—General Revisions—<br/>49 Pa. Code Chapter 45 (number not yet assigned)</p> <p>—Schedule of Civil Penalties—<br/>49 Pa. Code Chapter 43b (number not yet assigned)</p>  | <p>Fall 2009, as Proposed.</p> <p>Spring 2010, as Proposed.</p>                               | <p>This regulation would update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Speech-Language and Hearing to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>   | <p>Sandra Matter<br/>(717) 783-1389</p> |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                      |
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| <p>State Board of Vehicle Manufacturers, Dealers and Salespersons</p> <p>—Salesperson License—<br/>49 Pa. Code Chapter 19 (16A-609)</p> <p>—Fee for Out-of-state RV Dealer Participating in a Show—<br/>49 Pa. Code § 19.4 (number not yet assigned)</p>  | <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p>  | <p>This regulation would clarify and update the requirements for salespersons in order to permit salespersons to sell at other locations of the same dealer. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would establish a fee for processing applications under section 32.1(c) of the act, 63 P. S. § 818.32a(c), for out-of-state RV dealers to register with the Board in order to participate in an RV show in this Commonwealth. Statutory Authority: Sections 4(9) and 32.1(c) of the Board of Vehicles Act, 63 P. S. §§ 818.4(9) and 818.32.1(c).</p>   | <p>Janice Cline<br/>(717) 783-1697</p>     |
| <p>State Board of Veterinary Medicine</p> <p>—Veterinary Dentistry—<br/>49 Pa. Code Chapter 31 (16A-5718)</p> <p>—Facilities—<br/>49 Pa. Code Chapter 31 (16A-5720)</p> <p>—Responsibility to Clients and Patients—<br/>49 Pa. Code § 31.21 (16A-5722)</p> <p>—Biennial Renewal Fees—<br/>49 Pa. Code § 31.41 (16A-5723)</p> <p>—Schedule of Civil Penalties—<br/>Veterinarians and Veterinary Technicians—<br/>49 Pa. Code § 43b.21a (number not yet assigned)</p> | <p>Spring 2010, as Proposed.</p> <p>Spring 2010, as Proposed.</p> <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p> <p>Fall 2009, as Proposed.</p> | <p>This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.</p> <p>This regulation would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.</p> <p>This regulation would amend, update and clarify Principle 7 of the Rules of Professional Conduct for Veterinarians relating to veterinarians' responsibilities to clients and patients. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.</p> <p>This regulation would provide for graduated increases in the biennial renewal fees for veterinarians and veterinary technicians. Statutory Authority: Section 13 of the Veterinary Medicine Practice Act, 63 P. S. § 485.13.</p> <p>This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties, with the approval of the Board.</p> | <p>Michelle Roberts<br/>(717) 783-7134</p> |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>  |
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| <b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>   |  |  |  |
| 4 Pa. Code § 250.2. Time to appeal. (This proposed regulation will supercede that portion of 1 Pa. Code § 35.35 pertaining to the 10-day period of time to appeal from delegated actions of subordinate officers and substitute a 30-day period of time to file an appeal.) | SERS has been notified of the approval of a final-form rulemaking package by the Governor's Policy Office (GPO). The final rulemaking will proceed consistent with the Commonwealth Documents Law (CDL). | Current hearing regulations are inconsistent with operational practice supporting member-friendly service.   | Paul Stahlnecker, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210 |
| 4 Pa. Code §§ 250.1 and 250.15. Applicability of general rules. (These current regulations will be modified to permit the application of proposed 4 Pa. Code § 250.2.)  | SERS has been notified of the approval of a final-form rulemaking package by the GPO. The final rulemaking will proceed consistent with the CDL.   | Specific provisions in SERS' regulations should be exceptions to the general rules of administrative practice and procedure.   | Paul Stahlnecker, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210 |
| 4 Pa. Code § 247.11. Priority of taxation, attachments and assignments of funds. (This proposed regulation will clarify the priority of payments to be made from the members' accounts by SERS pursuant to 71 Pa.C.S. § 5953.)  | SERS is reviewing the Independent Regulatory Review Commission (IRRC) staff comments and SERS has been notified of the approval of the proposed rulemaking package by the GPO.                           | The statute does not set priorities among conflicting demands on members' accounts. A recent court decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of priority issues. This is also being considered as a statutory amendment. | Brian McDonough, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210  |
| 4 Pa. Code § 247.7(a). Priority of death benefit payment. (This proposed regulation will clarify the priority of death benefit payments to be made by SERS pursuant to the second sentence of 71 Pa.C.S. § 5905(g).)  | SERS has been notified of the approval of a final-form rulemaking package by the GPO. The final rulemaking will proceed consistent with the CDL.   | The statute does not set priorities among conflicting demands on members' death benefits. A regulation would enable consistent application of the statute and would reduce litigation of priority issues.  | Salvatore Darigo, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210 |
| 4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This proposed regulation amendment would delete State Employees' Credit Union payment language.)  | SERS has been notified of the approval of a proposed rulemaking package by the GPO.  | The language is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.  | Brian McDonough, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210  |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>  |
|---|--|---|--|
| 4 Pa. Code § 247.6. (a) Termination of Annuities. (This proposed regulation would delete the 30-day requirement to elect multiple service.)   | SERS has been notified of the approval of a final-form rulemaking package by the GPO. The final rulemaking will proceed consistent with the CDL. | The 30 day requirement in the regulation has been rendered obsolete by changes to SERS' enabling legislation.   | Jill Vecchio, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210       |
| 4 Pa. Code § 247.4. (c) Disability Annuities. (This proposed regulation will clarify: 1) the methodology used to determine the employer-funded offset credit; 2) the service-connected disability supplement and 3) the rights of terminated members to apply for a disability.)  | 2010   | The statute does not expressly determine the methodology, the effects of these formulas and when terminated members can apply. Recent court and administrative decisions have offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of disability and supplement issues. This is also being considered as a statutory amendment. | M. Catherine Nolan, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210 |
| 4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (The regulation would be amended to specify the effects of a service purchase or reinstatement.)  | 2010   | This regulation would be amended to clarify the effects of the reinstatement or purchase of previous State service. A recent administrative decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of purchase of service issues. This is also being considered as a statutory amendment.                            | Brian McDonough, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210    |
| 4 Pa. Code §§ 241.1 and; 247.7. Definitions. (The definition of "Beneficiary" would be amended to specify that the beneficiaries must be named rather than merely described.) Gender neutral terms would be substituted and an operational provision that is found elsewhere would be removed from this definitional section. | SERS has been notified of the approval of a final-form rulemaking package by the GPO. The final rulemaking will proceed consistent with the CDL. | The amendment would clarify and settle whether a proper name ("John Doe") or a general description ("my children," "my issue," "per stirpes") suffices. A lack of named beneficiaries can cause significant legal and administrative ambiguities that this amendment would avoid. This is also being considered as a statutory amendment.   | Jill Vecchio, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210       |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>  | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>   |
|--|---|--|---|
| 4 Pa. Code § 241.2. Electronic submission of member documents and electronic benefit transactions. | SERS has been notified of the approval of a proposed rulemaking package by the GPO and due to comments by IRRC staff the matter is pending further study. | This new regulation would provide for adoption of a policy by SERS to specify procedures for electronic member transactions consistent with Commonwealth practice and policy and include a hold harmless provision.  | Jill Vecchio, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210    |
| 4 Pa. Code § 243.8. Membership rules for educational employees.                                    | 2010  | This new regulation would clarify the requirements for membership and final average salary calculations for educational employees.   | Brian McDonough, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>David Durbin<br>(717) 783-7210 |
| <b>STATE POLICE</b>  |   |  |   |
| DNA Detection of Sexual and Violent Offenders.<br>37 Pa. Code Chapter 58                           | June 2010, as proposed.   | Act 185 of 2004 repealed Chapter 47 of Title 42 of the Pennsylvania Consolidated Statutes and amended Title 44 to add Chapter 23, DNA Data and Testing. The act requires the State Police to promulgate rules and regulations to carry out its provisions.   | Syndi L. Guido<br>Policy Director<br>(717) 772-0905   |
| Administration of Megan's Law—Neighbor Notification<br>37 Pa. Code Chapter 55                      | June 2010, as proposed.   | Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. See 42 Pa. C.S. § 9799.1 Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them in light of subsequent and anticipated amendments Megan's Law. | Syndi L. Guido<br>Policy Director<br>(717) 772-0905   |
| <b>STATE SYSTEM OF HIGHER EDUCATION</b>  |   |  |   |
| No regulations being developed or considered at this date.   |   |  |   |
| <b>TRANSPORTATION</b>  |   |  |   |
| Chapter 175.96—Vehicle Equipment and Inspection Regulations  | July 2009   | We are seeking approval to insert the language "Laser guided systems for use during plowing operations are authorized" into the Medium and Heavy Trucks and Buses section of Pub 45, Vehicle Equipment and Inspection Regulations, Chapter 175.96 (h) as it pertains to Department operations.   | James Smith<br>(717) 787-4299   |
| Chapter 101—Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic       | July 2009   | To be consistent with federal rule on worker visibility apparel.   | Matt Briggs<br>(717) 783-6268   |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>             |
|--|--------------------------------------|---|-----------------------------------|
| Chapter 427—<br>Public Transportation<br>(Act 44 of 2008)  | July 2009                            | Act 44 of 2008, Chapter 15, Sustainable Mobility Options, authorizes almost all public transportation funding programs for the Commonwealth. The legislation requires the Department to develop regulations for several sections of the legislation. Act 44 offered the Department a two-year window to promulgate temporary regulations. The temporary regulations are being drafted by in May 2009 for promulgation in July 2009.   | LaVerne Collins<br>(717) 787-1214 |
| 471—Airport Rating & Licensing;<br>473—Aviation Development Grants;<br>477—Local Real Estate Tax Reimbursement Grants;<br>479—Obstructions to Aircraft<br><br>67 Pa. Code Chapters 471, 473, 477 and 479 | September 2009                       | The various chapters of the regulation need to be updated as described below.<br><br>The purpose of the amendments to Chapter 471 is to provide clarification of requirements and provide greater flexibility in the licensing of various categories and types of landing facilities. The amendments provide the flexibility to accommodate various levels of airport operations and advances in technology that were not envisioned or available at the time the regulation was originally adopted.<br><br>The purpose of the amendments to Chapter 473 is to allow for increased flexibility for the Department in providing a higher state share for granted projects and allow for a more efficient use of the Aviation Development grant funds available.<br><br>The purpose of the amendments to Chapters 477 and 479 is to simplify and better organize these Chapters in relation to the Chapters 471 and 473. There were no substantive changes to these chapters. | Brian Gearhart<br>(717) 705-1250  |
| Chapter 233<br>Automated Red Light Enforcement   | December 2009                        | Section 3116 of the Pennsylvania Vehicle Code provides the legal authority for the establishment of a pilot automated red light enforcement (ARLE) program within the City of Philadelphia. Section 3116(l)(2) says that the revenues remaining from ARLE fines, after deducting the system administrator's operation and maintenance costs, shall be deposited into the Motor License Fund and shall be used by the Department to develop, by regulation, a Transportation Enhancements Grant Program. Therefore, a completely new regulation is needed to establish the provisions of this new Transportation Enhancements Grant Program.   | William Laubach<br>(717) 787-9787 |
| 43—Temporary Registration Cards and Plates<br><br>67 Pa. Code Chapter 43   | December 2009                        | Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.   | Andy Cleaver<br>(717) 787-2171    |
| 175—Vehicle Equipment and Inspection<br><br>67 Pa. Code Chapter 175  | December 2009                        | Many changes are needed to bring the regulations in line with changes in the Vehicle Code. Other such changes are being proposed to add convenience for customers, to update forms and processes and to implement an initiative to eliminate the issuance of refunds for unused inspection stickers, which would be a savings to the Commonwealth.  | John Munafo<br>(717) 787-2171     |
| 79—Restrictions on Driver's License<br><br>67 Pa. Code Chapter 79  | July 2010                            | The regulations are being deleted because they are no longer applicable. Chapter 83 regulates individuals that have a loss or impairment of a limb and restriction requirements are determined through a driver's examination.  | Scott Shenk<br>(717) 783-5958     |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>          |
|---|--------------------------------------|---|--------------------------------|
| 21—Odometer Read Disclosure Statements<br><br>67 Pa. Code Chapter 21  | December 2009                        | Changes are needed to bring the regulation current with the Vehicle Code, to specify the age at which a vehicle becomes exempt from odometer disclosure.  | Andy Cleaver<br>(717) 787-2171 |
| 23—Delivery of Certificates of Title<br><br>67 Pa. Code Chapter 23  | December 2009                        | The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S. § 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.   | Andy Cleaver<br>(717) 787-2171 |
| 17—Authorization to Verify ID Numbers<br><br>67 Pa. Code Chapter 17   | December 2009                        | Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.   | Andy Cleaver<br>(717) 787-2171 |
| 71—School Bus Drivers<br><br>67 Pa. Code Chapter 71   | August 2009                          | The regulations will be updated and published for the second and final time, which will clarify the requirements for diabetic drivers by in part making terminology consistent with the American Diabetic Association.  | Scott Shenk<br>(717) 783-5958  |
|   | July 2010                            | The regulations are being updated to clarify the requirements for drivers that have cardiovascular conditions.  |                                |
|   | July 2010                            | The purpose of these amendments is to update the medical standards for school bus drivers that have been diagnosed with a condition affecting cognition. The new language will ensure that only competent school bus drivers are licensed.  |                                |
| 83—Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers<br><br>67 Pa. Code Chapter 83 | August 2009                          | The regulation will be updated and published for the second and final time, which will clarify the requirements for diabetic drivers. This change will also incorporate the change required by HB1912, Act 756, passed July 15, 2004, that allows chiropractors to conduct exams for learner's permits.   | Scott Shenk<br>(717) 783-5958  |
|   | July 2010                            | The regulations are being updated to clarify the requirements for drivers that have cardiovascular conditions.  |                                |
|   | July 2010                            | The purpose of these amendments is to update the medical standards for individuals that have a cognitive impairment to ensure that only drivers who do not have a moderately severe cognitive impairment are licensed to operate a motor vehicle.   |                                |
| 84—Dual Control Learner's Permit<br><br>67 Pa. Code Chapter 84  | July 2010                            | The regulation is being updated to clarify the requirements for issuing a dual control learner's permit   | Scott Shenk<br>(717) 783-5958  |
| 255—Messenger Services<br><br>67 Pa. Code Chapter 255   | December 2009                        | Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts. | Andy Cleaver<br>(717) 787-2171 |

| <i>Regulation Being Considered</i>                                  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>         |
|---|--------------------------------------|--|-------------------------------|
| 171—School Buses and School Vehicles<br><br>67 Pa. Code Chapter 171 | July 2010                            | Regulations are being updated to incorporate current technology. Regulations have been reviewed with industry and are ready to begin the promulgation process. | Scott Shenk<br>(717) 783-5958 |

[Pa.B. Doc. No. 09-1172. Filed for public inspection June 26, 2009, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Thursday, July 9, 2009, Executive Committee—9 a.m.; Council Meeting—10 a.m. Additional Council meetings are scheduled for September 2 and 3, 2009, and November 3 and 4, 2009. The scheduled meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need accommodations due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

DAVID H. WILDERMAN,  
*Acting Executive Director*

[Pa.B. Doc. No. 09-1173. Filed for public inspection June 26, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, June 11, 2009, and announced the following:

*Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective June 10, 2009:*

Pennsylvania Gaming Control Board #125-94: Slot Machine Master Lists (amend 58 Pa. Code §§ 461a.1, 463a.3 and 463a.5)

*Action Taken—Regulation Approved:*

State Board of Osteopathic Medicine #16A-5318: Prescriptive Privileges for Physician Assistants (amends 49 Pa. Code Chapter 25)

### Approval Order

Public Meeting held  
June 11, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq.; Nancy Sabol Frantz, Esq., by phone; John F. Mizner, Esq.

*State Board of Osteopathic Medicine—Prescriptive Privileges for Physician Assistants; Regulation No. 16A-5318 (#2644) Osteopathic Medicine Prescriptive Privileges for Physician Assistants*

On October 10, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Osteopathic Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 25. The proposed regulation was published in the October 20, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 26, 2009. At its April 2, 2009 public meeting, the Commission voted to disapprove the final-form regulation. On May 22, 2009, the Board submitted its report containing the revised final-form regulation to the Commission.

This final-form regulation permits physician assistants practicing under the supervision of osteopathic physicians to prescribe, dispense and administer drugs and therapeutic devices.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 271.10(p)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-1174. Filed for public inspection June 26, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Penn Millers Insurance Company

Penn Millers Holding Corporation, a Pennsylvania corporation, has filed an application to acquire control of



Penn Millers Insurance Company, a Pennsylvania domiciled insurer. The initial filing was received on June 11, 2009, and was made in accordance with requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1175. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Jay R. Engleka; Hearing

#### **Appeal of Jay R. Engleka under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0149(M); Doc. No. UT09-06-013**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on August 13, 2009, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before July 29, 2009. Answers to petitions to intervene, if any, shall be filed on or before August 12, 2009.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1176. Filed for public inspection June 26, 2009, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68)

(Act 68) in connection with the termination of the insureds' automobile policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Jeffrey Weiss; file no. 09-302-70178; American International South Insurance Company; Doc. No. PI09-06-011; August 26, 2009, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1177. Filed for public inspection June 26, 2009, 9:00 a.m.]

### **Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Emily Vener-Giszter; file no. 09-217-70059; Metropolitan Property and Casualty Insurance Company; Doc. No. PH09-06-012; August 20, 2009, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1178. Filed for public inspection June 26, 2009, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board Lease will expire:

Bucks County, Wine & Spirits Store #0909 (Relocation), Newtown, PA

*Lease expiration date:* June 30, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 net useable square feet of new or existing retail commercial space in a 1 mile radius of the intersection of Routes 332 and 532, Buck Road, Newtown Township, Newtown, PA.

*Proposals due:* July 17, 2009, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9670

The Liquor Control Board seeks the following new sites:

Allegheny County, Office/Training Facility, Monroeville Area

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of existing commercial space for use as an office and/or training facility. The facility must provide free parking and be reasonably close to existing PLCB store locations in Allegheny County, Monroeville Area.

*Proposals due:* July 17, 2009, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 158 Purity Road, Suite B, Pittsburgh, PA 15235-4441  
**Contact:** George Danis, (412) 723-0124

Blair County, Office/Training Facility, Altoona Area

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of existing commercial space for use as an office and/or training facility. The facility must provide free parking and be reasonably close to existing PLCB store locations in Blair County, Altoona Area.

*Proposals due:* July 17, 2009, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 158 Purity Road, Suite B, Pittsburgh, PA 15235-4441  
**Contact:** George Danis, (412) 723-0124

Butler County, Office/Training Facility, Cranberry Area

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of existing commercial space for use as an office and/or training facility. The facility must provide free parking and be reasonably close to existing PLCB store locations in Butler County, Cranberry Area.

*Proposals due:* July 17, 2009, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 158 Purity Road, Suite B, Pittsburgh, PA 15235-4441  
**Contact:** George Danis, (412) 723-0124

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 09-1179. Filed for public inspection June 26, 2009, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### Revised Filing and Copying Fees

The Pennsylvania Gaming Control Board (Board), under

4 Pa. Code § 1208 (relating to collection of fees and fines) is authorized to levy and collect fees to fund the operations of the Board.

To cover the majority of the costs associated with filing various documents and making copies, the Board adopted a schedule of fees at its December 20, 2006, public meeting. That fee schedule was amended in 2008 and

published on January 26, 2008. Based on its experience since the last revision of that fee schedule, the Board is revising the fee schedule as follows.

The revised fee schedule will be effective upon publication in the *Pennsylvania Bulletin*.

#### Fee Schedule

|  |             |
|--|-------------|
| First Filings (Petitions and Complaints, except for Petitions to Withdraw Gaming and Nongaming Applications) | None        |
| Motions  | None        |
| Copies (per page) for black and white  | \$.25       |
| Copies of color, odd size and the like   | Actual Cost |
| Certified copies per document plus cost of copying   | \$1.00      |

GREGORY C. FAJT,  
*Chairperson*

[Pa.B. Doc. No. 09-1180. Filed for public inspection June 26, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Application of the City of Philadelphia to Abolish the Crossing at 3rd and Allegheny over Conrail, and for Removal of the Conrail Bridge and the Allocation of Costs and Expenses Incident Thereto; Doc. No. A-2008-2035163**

An initial hearing on this matter will be held Tuesday, August 18, 2009, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1181. Filed for public inspection June 26, 2009, 9:00 a.m.]

#### Order

Public Meeting held  
May 14, 2009

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli; Wayne E. Gardner; Robert F. Powelson

*Universal Service Coordination Working Group;  
Doc. No. M-2009-2107153*

#### Order

*By the Commission:*

By this order, we establish a Universal Service Coordination Working Group (Working Group). This is a vital step toward effectively coordinating the residential universal service programs under the Commission's jurisdiction and coordinating these programs with other state programs. The Working Group's assignment is to develop recommendations to achieve these goals.

Our action in initiating this Working Group is timely, given the likely introduction of Act 129 funds into the electric distribution companies' (EDCs') portfolio of energy efficiency measures for low-income customers, as well as the increase in available funding for the State's Weatherization Assistance Program (WAP) due to a recent three-year grant of \$252.8 million under the Federal American Recovery & Reinvestment Act (ARRA).<sup>1</sup> This additional money places even more of an impetus on the need for effective coordination between utility and non-utility programs.

By way of background, the Commission has been charged with overseeing critical universal service programs that provide residential customers with assistance in maintaining natural gas, electric and telecommunications services.<sup>2</sup> These programs include energy assistance programs—Customer Assistance Programs (CAPs),<sup>3</sup> the Low Income Usage Reduction Program (LIURP),<sup>4</sup> and Company Initiated Hardship Funds, and telephone assistance programs—Lifeline and Link Up.<sup>5</sup>

The EDCs and natural gas distribution companies (NGDCs) have implemented CAPs. These programs provide low income customers with the opportunity to maintain their utility service by providing a reduced bill that is based on income and usage. LIURP helps low-income residential customers reduce the amount of electricity or natural gas used each month by installing energy saving features in the customers' homes. Customers who are eligible for these energy programs are usually also eligible for the Lifeline and Link Up programs and other state and federal universal service programs.

In addition to the programs under the Commission's jurisdiction, there are federal assistance programs that are administered by the Department of Public Welfare (DPW) and the Department of Community and Economic Development (DCED). DPW administers the Low Income Home Energy Assistance Program (LIHEAP), which provides both cash and crisis benefits to low-income households. DPW is also responsible for the "automatic notification program,"<sup>6</sup> which provides welfare program recipients with information about telephone assistance programs. DCED administers the state's federally funded WAP. DCED distributes these funds to local governments and nonprofit organizations, such as community action agencies, to provide low income households with weatherization services.

At present, there is little coordination among these universal service programs. While this lack of coordination may not have interfered with the management of individual programs, it may have resulted in eligible households missing opportunities to receive comprehensive services necessary to ensure the continuation of affordable utility service.

Most importantly, recent events and changes in the law and in funding have demonstrated the need for coordination of these programs. Act 129 of 2008 requires Pennsylvania's EDCs to reduce the electric consumption of their

<sup>1</sup> American Recovery & Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009).

<sup>2</sup> See 66 Pa.C.S. § 2203(7) and (8) (relating to standards for restructuring of the natural gas utility industry), § 2802(10) and (17) (relating to declaration of policy [electric restructuring]), and § 2804(9) (relating to standards for restructuring of electric industry), and § 3011(2) and (3) (relating to declaration of policy). See also 52 Pa. Code §§ 63.161–63.171 (relating to [telecommunications] universal service).

<sup>3</sup> Policy Statement on Customer Assistance Programs, 52 Pa. Code §§ 69.261–69.267.

<sup>4</sup> Residential Low-Income Usage Reduction Programs, 52 Pa. Code §§ 58.1–58.18.

<sup>5</sup> Final Order: Lifeline and Link-Up Programs, Docket No. M-00051871 (May 23, 2005). See 66 Pa.C.S. § 3019(f)(1) (relating to interexchange telecommunications carriers; lifeline service).

<sup>6</sup> See 66 Pa.C.S. § 3019(f)(5) (relating to interexchange telecommunications carriers; lifeline service).

customers by 1% by May 31, 2011, and by 3% by May 31, 2013. The EDCs must also reduce peak demand by a minimum of 4.5% by May 31, 2013. If the EDCs adopt new energy efficiency and conservation plans targeting low-income households, we encourage coordination of these plans with existing programs. ARRA greatly expanded the funding for the State's WAP administered by DCED. ARRA funding will provide the WAP with \$252.8 million over the next three years. Given the current economic climate and expanded funding, there is a further impetus for more effective coordination of utility and nonutility programs.

Therefore,

*It Is Ordered That:*

1. The Universal Service Coordination Working Group shall be created to develop recommendations to coordinate residential universal service programs under the Commission's jurisdiction, and to coordinate these programs with other state programs. The Working Group shall also make recommendations on the feasibility of integrating these programs to establish a Statewide network of all utility assistance programs.

2. The Working Group shall be comprised of invited representatives from the natural gas, electric and telecommunications industries that have expertise in providing universal service to eligible customers. Representatives from the DCED and the DPW shall be invited to participate in the Working Group. The Office of Consumer Advocate, Community Legal Services, Inc., Pennsylvania Utility Law Project, United Way of Pennsylvania, AARP Pennsylvania and the Consumer Advisory Council shall also be invited to participate.

3. The initial meeting of the Working Group shall be held no later than 60 days after the publication date of this Order in the *Pennsylvania Bulletin*. The Bureau of Consumer Services with the assistance of Law Bureau will oversee the activities of the Working Group.

4. Interested parties may submit proposals or comments on the topics listed in the attached Annex and on other related matters or issues that should be considered by the Working Group. The proposals and comments will be used to develop an agenda for the Working Group's meetings. The proposals and comments shall be submitted consistent with the directions set forth in the Annex and shall be submitted no later than 45 days after the publication date of this Order in the *Pennsylvania Bulletin*.

5. The Working Group shall submit its final recommendations to the Commission no later than December 15, 2009.

6. A copy of this Order shall be served on all natural gas distribution companies, electric distribution companies, and local exchange telecommunications companies, the Office of Consumer Advocate, the Pennsylvania Utility Law Project, Community Legal Services, Inc., the Energy Association of Pennsylvania, the Pennsylvania Telephone Association, DPW, the DCED, the Consumer Advisory Council, Dollar Energy Fund, the United Way of Pennsylvania, AARP Pennsylvania, Aqua Pennsylvania Inc., Pennsylvania-American Water Company, United Water of Pennsylvania Inc. and York Water Company.

7. A copy of this Order and Annex shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

## Annex

Re: *Universal Service Coordination Working Group*,  
Docket No. M-2009-2107153; Solicitation of Proposals or  
Comments

Pursuant to a Motion adopted at its Public Meeting on May 14, 2009, the Pennsylvania Public Utility Commission (Commission) is creating the Universal Service Coordination Working Group (Working Group). The purpose of the Working Group is to develop policy recommendations to coordinate jurisdictional universal service programs for low income households and to determine the feasibility of incorporating these programs into a Statewide network of all utility assistance programs.

The Working Group will include invited representatives from the Commission, the Office of Consumer Advocate, consumer groups, electric distribution companies natural gas distribution companies, telephone companies and nonprofit associations. The Department of Community and Economic Development that administers the Weatherization Assistance Program and the Department of Public Welfare that administers the Low-income Home Energy Assistance Program have been invited to send representatives to participate in the Working Group.

The Working Group is tasked with making recommendations to achieve the following goals:

### Universal Service Energy Program Coordination

- Low-Income Usage Reduction Programs (LIURP)—Coordination among electric and gas LIURP programs
- Customer Assistance Programs—Coordination among electric and gas CAP and LIURP programs
- American Recovery & Reinvestment Act (ARRA) Weatherization Assistance Program (WAP)—Coordination of ARRA WAP with LIURP and other utility programs

### Coordination of all State Universal Service Programs

- Determine the feasibility of creating a platform for sharing electronic lists of participants after resolving confidentiality requirements
- Determine the feasibility of coordinating the outreach for state universal service programs (LIHEAP, LIURP, ARRA WAP, CAP Hardship Funds, Lifeline/Link Up)
- Determine the feasibility of centralizing the intake/application/referral networks (LIHEAP, LIURP, ARRA WAP, CAP Hardship Funds, Lifeline/Link Up)

The Commission has directed the Bureau of Consumer Services (BCS) to oversee the Working Group. The initial meeting of the Working Group will be held no later than 60 days after the publication date of the order in the *Pennsylvania Bulletin*.

To develop an agenda for the Working Group's meetings, BCS staff requests that interested parties submit proposals on the topics listed previously. Proposals or comments on other related matters/issues that should be considered by the Working Group may also be submitted.

An original and two copies of each proposal or comment shall be filed with the Commission's Secretary at P. O. Box 3265, Harrisburg, PA 17105-3265. Alternatively, e-filing users may file proposals electronically. All responses will be posted on the Commission's web site (<http://www.puc.state.pa.us>). To facilitate timely posting, each document should be submitted in WORD format and sent by electronic mail to Lenora Best ([lebest@state.pa.us](mailto:lebest@state.pa.us)). Proposals and other documents shall reference the

previous-captioned docket and shall be submitted no later than 45 days after the publication date of the order in the *Pennsylvania Bulletin*.

Direct any questions about the Working Group and the process for submitting proposals or comments to Lenora Best at (717) 783-9090 (lebest@state.pa.us) or David Mick at (717) 783-3232 (dmick@state.pa.us).

[Pa.B. Doc. No. 09-1182. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 13, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Transportation Information Enterprises, LLC; Doc. No. C-2009-2072620*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Transportation Information Enterprises, LLC (respondent) is under suspension effective April 18, 2009, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 4001 Clairton Boulevard, West Mifflin, PA 15206.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 01, 2007, at A-00120860F0002.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00120860F0002 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the

Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Parry Express, Inc.;  
Doc. No. C-2009-2106406*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Parry Express, Inc. (respondent) is under suspension effective May 14, 2009, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 305 Hemlock Drive, Clarks Summit, PA 18411.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 29, 2005, at A-00121782.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00121782 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

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James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S.

§ 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Donald E. and Blanch C. Miller; Doc. No. C-2009-2066355*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation

and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Donald E. and Blanch C. Miller (respondent) is under suspension effective January 28, 2009, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 501 West Laurel Street, Tremont, PA 17981.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 26, 2007, at A-00124198.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00124198 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

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the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. James P. Stauffer, t/d/b/a Stauffer & Sons; Doc. No. C-2009-2089373*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to James P. Stauffer, t/d/b/a Stauffer & Sons (respondent) is under suspension effective February 14, 2009, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 90 Brandonville Road, Ringtown, PA 17967.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 21, 2004, at A-00120528.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00120528 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are



made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Daniel James Gallagher;  
Doc. No. C-2009-2088890*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Daniel James Gallagher (respondent) is under suspension effective February 12, 2009, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 140, Shepton, PA 18248.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 24, 1996, at A-00113039.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00113039 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and  
Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1183. Filed for public inspection June 26, 2009, 9:00 a.m.]

**Transfer of Stock**

**A-2009-2111330, A-2009-2111331 and A-2009-2111337. Verizon North, Inc.** Application of Verizon North, Inc. for approval of the restructuring of the company to a Pennsylvania-only operation whereby a new corporation will be created, Verizon North Retain (VNR) Company, Verizon North assets, and the like, will be transferred to VNR, 100% stock of VNR will be transferred to GTE, and Verizon North, Inc. will abandon.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 13, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Verizon North, Inc.

*Through and By Counsel:* Leigh A. Hyer, Esquire,  
Suzan D. Paiva, Esquire, 1717 Arch Street 17 NW,  
Philadelphia, PA 19103

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1184. Filed for public inspection June 26, 2009, 9:00 a.m.]

## PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

### Public Meeting

The Pennsylvania Stimulus Oversight Commission will hold a public meeting on Thursday, July 16, 2009, at 11 a.m. The meeting will be held in Conference Room 1 of the Forum Place Building, 555 Walnut Street, Harrisburg, PA.

RONALD NAPLES,  
*Chairperson*

[Pa.B. Doc. No. 09-1185. Filed for public inspection June 26, 2009, 9:00 a.m.]

### Public Meetings

The Pennsylvania Stimulus Oversight Commission will hold public meetings on the following dates; July 16, August 13, September 10, October 8, October 30 at 11 a.m. The meetings will be held in Conference Room 1 of the Forum Place Building, 555 Walnut Street in Harrisburg, PA.

RONALD NAPLES,  
*Chairperson*

[Pa.B. Doc. No. 09-1186. Filed for public inspection June 26, 2009, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

July 21, 2009      Barbara J. Hogan      1 p.m.  
Discontinuation of Disability  
Benefits

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 09-1187. Filed for public inspection June 26, 2009, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### 2008 Common Level Ratios

The State Tax Equalization Board (Board) has established a Common Level Ratio for each county in the Commonwealth for the calendar year 2008. The ratios were mandated by Act 267-1982.

The law requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 2008 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2008.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the Common Level Ratio for each county for 2008.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2008 of 100% will utilize valid sales from 1% to 200%.

The Common Level Ratios for 2008 are listed as follows.

### 2008 COMMON LEVEL RATIOS

| <i>County</i> | <i>Ratio</i> |
|---------------|--------------|
| ADAMS         | 22.2         |
| * ALLEGHENY   | 87.5         |
| ARMSTRONG     | 36.3         |
| BEAVER        | 29.8         |
| * BEDFORD     | 17.9         |
| * BERKS       | 67.7         |
| BLAIR         | 7.9          |
| BRADFORD      | 36.1         |
| * BUCKS       | 9.7          |
| BUTLER        | 12.0         |
| * CAMBRIA     | 33.0         |
| CAMERON       | 33.4         |
| CARBON        | 33.2         |
| CENTRE        | 28.8         |
| * CHESTER     | 53.0         |
| CLARION       | 20.3         |
| CLEARFIELD    | 21.1         |
| CLINTON       | 29.9         |
| COLUMBIA      | 27.1         |
| CRAWFORD      | 35.1         |
| * CUMBERLAND  | 79.1         |
| * DAUPHIN     | 70.5         |
| * DELAWARE    | 61.3         |
| ELK           | 38.3         |
| * ERIE        | 79.5         |
| * FAYETTE     | 82.2         |
| FOREST        | 19.6         |
| * FRANKLIN    | 11.6         |
| * FULTON      | 33.3         |
| * GREENE      | 71.5         |
| HUNTINGDON    | 12.1         |

| <i>County</i>    | <i>Ratio</i> |
|------------------|--------------|
| * INDIANA        | 16.7         |
| * JEFFERSON      | 50.7         |
| * JUNIATA        | 14.5         |
| * LACKAWANNA     | 16.2         |
| * LANCASTER      | 73.9         |
| * LAWRENCE       | 72.5         |
| * LEBANON        | 13.4         |
| LEHIGH           | 28.6         |
| LUZERNE          | 7.3          |
| * LYCOMING       | 83.8         |
| * MCKEAN         | 76.3         |
| * MERCER         | 30.7         |
| MIFFLIN          | 46.5         |
| MONROE           | 13.5         |
| * MONTGOMERY     | 54.0         |
| * MONTOUR        | 72.9         |
| NORTHAMPTON      | 29.7         |
| * NORTHUMBERLAND | 22.6         |
| * PERRY          | 67.2         |
| PHILADELPHIA     | 32.7         |
| PIKE             | 17.1         |
| * POTTER         | 34.4         |

| <i>County</i>  | <i>Ratio</i> |
|----------------|--------------|
| SCHUYLKILL     | 39.9         |
| * SNYDER       | 17.6         |
| SOMERSET       | 33.5         |
| * SULLIVAN     | 60.1         |
| SUSQUEHANNA    | 32.7         |
| * TIOGA        | 70.7         |
| * UNION        | 74.5         |
| * VENANGO      | 91.1         |
| WARREN         | 34.6         |
| WASHINGTON     | 13.8         |
| * WAYNE        | 64.3         |
| * WESTMORELAND | 21.9         |
| WYOMING        | 21.0         |
| * YORK         | 78.5         |

**\* Counties with a Predetermined Assessment Ratio of 100%**

JAMES A. ZURICK, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 09-1188. Filed for public inspection June 26, 2009, 9:00 a.m.]

